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Fifty-ninth session
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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2002/52

Addendum

Communications to and from Governments*

* The executive summary of this report and the confidential information form (see appendix) are being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the languages of submission only.

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Executive summary

At its fifty-eighth session, the Commission on Human Rights, in its resolution 2002/52, requested all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur's visits and communications. The Commission, furthermore, welcomed the efforts by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate, by sending joint urgent action appeals and communications with other special rapporteurs.

The Special Rapporteur has produced a standard reporting form which can be used to document alleged instances of violence against women (see appendix). In this connection, it should be emphasized that, in accordance with her mandate, the Special Rapporteur is in a position only to process cases of alleged violence against women which are gender-specific, that is, violence or threats of violence directed against women because of their gender. The definition of gender-based violence used by the Special Rapporteur is taken from the Declaration on the Elimination of Violence against Women, adopted by the General Assembly in its resolution 48/104 of 20 December 1993.

The Special Rapporteur wishes to inform the Commission that during the period under review she transmitted communications to the Governments of: Australia, Bangladesh, Cambodia, Canada, China, Colombia, the Democratic Republic of the Congo, Ecuador, India, Indonesia, Iran (Islamic Republic of), Israel, Liberia, Mexico, Myanmar, Nigeria, Pakistan, Spain, Sri Lanka, Sudan, Sweden, Thailand, Togo, Turkey, Uganda, the United Arab Emirates, Uzbekistan, Venezuela, Yemen, and to the Palestinian Authority. In addition, the Governments of Myanmar, Spain, Sri Lanka, Sweden, Thailand, Turkey and the United Arab Emirates provided the Special Rapporteur with replies on cases submitted during the year under review, whereas the Governments of India, Mexico, Sri Lanka and Turkey did so with respect to cases submitted in previous years.

This report contains, on a country-by-country basis, summaries of general and individual allegations, as well as urgent appeals transmitted to Governments, and their replies thereto. Observations by the Special Rapporteur have also been included where applicable.

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Annex

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2002/52: Communications to and from Governments

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INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

Australia

1. On 25 January 2002, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the sale of children, child prostitution and child pornography concerning the reportedly inadequate response to domestic violence and child abuse in Australia. According to information received, the legal and welfare systems insufficiently protect children from abuse during contact visits (formerly known as "access") with non-residential (formerly "non-custodial") parents. Children are reportedly subject to unsafe, court-ordered contact arrangements despite evidence and suspicion of abuse. It is alleged that problems have worsened since the introduction of the Family Law Reform Act in 1996, reductions in Legal Aid funding and an increased use of "conferencing". Reports allege that paedophilia and child abuse are major problems that are inadequately addressed by the State.

2. In particular the Special Rapporteur informed the Government that she had received information regarding the individual case of **Tania Hawting** and her 5-year-old daughter **Grace**. According to information received, Tania Hawting married Graham Ross Germon in June 1995 and throughout their relationship she and her four children were subjected to domestic and sexual violence. Of immediate concern was the return of Grace to her alleged abuser, Mr. Germon, on 26 January 2002. Documented evidence of physical, psychological and sexual abuse against Ms. Hawting and her children was reportedly not taken into account by police or in court and Mr. Germon has been granted custody of Grace.

Bangladesh

3. By a letter dated 10 December 2002, the Special Rapporteur informed the Government that she had received information that more than 2,000 women in Bangladesh between the ages of 7 and 80 had been raped, gang-raped, beaten and subjected to degrading treatment by fundamentalist groups following the 1 October 2001 elections. Much of the violence allegedly took place in small villages, and the perpetrators in many cases were identified as activists of the ruling Bangladesh Nationalist Party (BNP) or the group Jamat-e-Islami. It is alleged that the police and the civil administration have not provided protection for the victims, and that no judicial inquiry has been made regarding these incidents. In particular the Special Rapporteur advised the Government that she had received information regarding the following cases.

4. During the night of 3 October 2001, right-wing fundamentalists reportedly attacked Hindu residents of Kachipara village, Patuakhali district. Women were allegedly raped and made to walk nude in the market the next morning. When they asked for water it is reported that the perpetrators urinated in their mouths.

5. On 9 October 2001 an armed gang allegedly kidnapped three Hindu girls from Nohata village in Sreepur Upazila of Magura, and raped them in a nearby field. It is also reported that the armed men injured 10 inhabitants of the 2 houses, including a woman named **Shumila**, aged 25, and **Niva**, aged 30.

6. According to reports received, **Archana**, wife of Nitta, **Babita**, daughter of Suddhannya, **Nihari**, wife of Milon, **Charubala**, wife of Umesh, **Sodhobha**, wife of Becharam, **Usha**, wife of Hira, **Madhabi**, wife of Mohin, **Madhuri**, wife of Khetra, **Gita**, wife of Samiran, **Pryanka**, daughter of Becharam, **Surodhoni**, wife of Brojobashi, **Kushum**, wife of Porimol, **Bishnu**, wife of Ramani, **Sulata**, wife of Jabov, **Sabita**, wife of Shri Das, **Shephali**, wife of Subhash, and **Rita**, daughter of Gafur were gang-raped in Char Annada Prasha and Char Fatimabad, Bhola district. It is alleged that there were many other victims in this area.

7. It is reported that a large number of Hindu women of all ages were gang-raped and their houses looted in Kortarhat and Osmangonj villages, Bhola district. **Prokritis**, aged 34, was allegedly gang-raped by 10 men and beaten severely in front of her husband. The perpetrators reportedly looted the women's valuables and demanded a ransom of 30,000 Taka (US$ 545) from each Hindu family, threatening to rape the women if it was not paid.

8. On 2 October 2001 **Shrimoti**, aged 70, was reportedly raped while her husband Brojendra, aged 88 was severely beaten, in North Char Fashon under Osmangonj Union, Bhola district. **Kollyani**, aged 30, was allegedly kidnapped from the same village and her husband Amar was beaten. On 3 October 2001 a group armed with long knives and sticks reportedly looted all the Hindu houses in the area. The same group allegedly returned threatening to re-rape the victims if their families went to the police.

9. According to information received, a teenage girl named **Purnima** was raped at Ullapara, the perpetrators reportedly forced their way into the house of Gajendra and beat family members at gunpoint. A woman named **Babita** was allegedly kidnapped, and later returned seriously wounded. The kidnappers reportedly threatened to punish the family if the incidents were reported to police.

10. It is alleged that there are also numerous reports of violence against religious minorities in Shirajganj and Patuakali districts, where an elderly woman was reportedly gang-raped and stabbed by a group of fundamentalists while her house was looted.

11. A schoolgirl from a religious minority community was reportedly attacked and gang-raped in broad daylight at Kamargram, Mullhahat. She was allegedly left unconscious. It is alleged that her mother and sister were also victims.

12. A brigade led by a local leader of Jamat-e-Islami is reportedly responsible for seriously wounding 2 women and leading a rampage that caused 40 minority families to flee their homes at Lakshmipur village under Rahimanpur Union, Thakurgaon.

13. In Dhunte, Bagura, a 7-year-old girl was allegedly gang-raped and seriously injured. A mother of four was reportedly gang-raped after the perpetrators were unable to find her daughter, who is said to have been their intended victim.

14. At Itna, sub-district of Kshoreganj, a Hindu widow was allegedly gang-raped.

15. **Putul**, a 32-year-old Hindu woman, was reportedly raped by a group of 15 to 20 BNP members in Maheshpur village, Dagan Bhuiya District, Feni, while a gun was held to her son and husband's heads. In the same village, **Alo**, aged 28, was reportedly raped by the same BNP members led by Haroon, the son of a Matubhuiya Union member.

16. On 15 February 2002 a local leader of Jamat-e-Islami allegedly led an attack through Maheshpur village in Dagan Bhuiya district, gang-raping several women, assaulting men, and looting and ransacking homes. This has reportedly led Hindus from the village to flee in large numbers. Prior to this incident, on 13 February 2002, Hindu villagers allegedly accused a number of persons of terrorizing Hindus. However, it is reported that despite such pleas, the Feni District administration did not take action to prevent these crimes.

Cambodia

17. On 13 August 2002, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteurs on the sale of children, child prostitution, and child pornography, and on the human rights of migrants, on behalf of 14 Vietnamese women serving sentences for illegally entering Cambodia, 10 of whom are reportedly victims of human trafficking and exploitation.

18. According to information received, 14 Vietnamese women and girls, aged between 16 and 53, were reportedly removed from a brothel by police on 23 May 2002. On 17 June, they were charged with illegal entry into Cambodia and jailed. On 5 August, a Cambodian court reportedly found them guilty of the charges and sentenced them to between two and three months' imprisonment. **Ngieng Thy Ngeng**, aged 16, **Lim Thy Le**, 18, **Tang Thy Behieng**, 18, **Dor Thy Yong**, 18, **Ngieng Thy Lang**, 18, **Le Thy Ngok**, 18, **Ngieng Thy Hong**, 18, **Lam Thy Tiet Hvieng**, 19, **Tham Ngok Thav Ngvieng**, 20, and **Le Thing Ngok Vin**, 22, were reportedly trafficked from Viet Nam into local brothels, without any formal documents. Four others, **Chang Thy Gnok**, 37, **Vin Kang Ying**, 40, **Vann Ngok Ean**, 43, and **Le Thy Ngok Than**, 53, also found guilty of illegally entering Cambodia, were allegedly complicit in the trafficking of the aforementioned individuals.

19. The Special Rapporteur called upon the Government, in its efforts to address trafficking, to focus on the abuses of the human rights and labour rights of the women involved, and to prevent trafficking victims from being treated as criminals or as illegal migrants.

Canada

20. By a letter dated 13 August 2002, sent jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur advised the Government that she had received information concerning fraudulent adoption practices and violence against unmarried women. The allegations involved staff at the Mount Sinai Hospital, the Victor Home for Unwed Mothers, Women's College Hospital (now Sunnybrook and Women's) and the Catholic Childrens' Aid Society (CCAS). In particular, the Special Rapporteur received information on the following cases.

21. **Tina Kelly** (current surname), a French Canadian, reportedly gave birth to a son on 28 March 1970 at Mount Sinai Hospital. Although she was unmarried, she intended to keep the baby. The following day, her family doctor, Dr. Glick, reportedly told her that her baby had died during the night due to heart trouble. She was allegedly not allowed to see her baby's body, but Dr. Glick reportedly agreed to make arrangements with the CCAS for its baptism and burial. During her stay in the hospital, Ms. Kelly was reportedly heavily drugged and on 31 March 1970, a social worker from the CCAS allegedly asked Ms. Kelly to sign a document. Ms. Kelly, who reportedly had limited knowledge of English, believed she was signing a document to baptize her dead baby. In 1995, upon receipt of a copy of her recently deceased father's death certificate Ms. Kelly realized that she had never received a copy of her child's death certificate. When she requested a copy from Mount Sinai Hospital, she was reportedly told that the records stated that her son was born healthy and had gone home with her. After questioning staff at the CCAS, Ms. Kelly allegedly discovered that the CCAS had put him up for adoption and that Dr Glick had accepted a bribe to take him. It is alleged that the Toronto Police have refused to take action in regard to this case.

22. In May 1978, doctors at the Women's College Hospital Prenatal Clinic allegedly told **Erica**, then seven months pregnant, that her baby was dead and that she was in labour. She was allegedly sent home to deliver the dead child after the doctors noticed that she was from the Victor Home for Unwed Mothers. Two other women living in the home, **Cathy Henderson** and **Peggy**, reportedly delivered the dead baby. Their complaints to the Women's College Hospital were reportedly ignored and they were allegedly insulted.

23. **Cathy Henderson** (previously known as Cathy Saltmarsh), allegedly suffered both physical and psychological abuse by staff in the Women's College Hospital during the birth of her child in June 1978. While in labour, she was reportedly thrown against the wall of the preparation room by a nurse. She was allegedly called a whore by one of the nurses and told that the CCAS had paid to have her baby taken from her. The nurse then reportedly repeatedly cut her genitals, it is reported that doctors now estimate that she had been cut over 30 times during this incident. Her delivery doctor tried to suture the slashes, but allegedly did not record the incident in Ms. Henderson's medical file and has tried to cover it up. After giving birth, Ms. Henderson was reportedly given an injection to dry up her milk without her consent. Ms. Henderson's son was allegedly given up for adoption without her consent. During her stay at the hospital, she was reportedly given drugs without being told what they were for, and before leaving the hospital she signed what she believed to be a temporary non-ward foster care agreement. According to reports she did not have access to a lawyer and was told by her CCAS social worker that she must sign the document if she wanted to keep her son. She allegedly later discovered that the agreement to short-term non-ward care had been terminated without her consent or knowledge.

24. Also in June 1978, **Lilli Corhonen**, then aged 15, reportedly suffered similar psychological and physical abuse while in the Women's College Hospital giving birth to her child. After the birth, the delivering doctor reportedly decided to "punish" her by shoving her hand into Ms. Corhonen's womb and punching it a number of times. This incident was reportedly not recorded, and the hospital allegedly denies that it happened. It is reported that when she tried to complain she was insulted and told that no one would believe her.

25. According to information received, Ms. Corhonen and Ms. Henderson wrote to Women's College Hospital in 2000 and again in April 2001 to reiterate their complaints about the abuse. The hospital reportedly claimed that there was no evidence of any abuse and that it was too late to carry out an investigation.

China

26. On 24 January 2002, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteurs on the question of torture, and on freedom of opinion and expression and to the Chairman-Rapporteur of the Working Group on arbitrary detention on behalf of **Connie Chipkar**, a Canadian Falun Gong practitioner, who had reportedly been arrested on Tiananmen Square, Beijing, on 23 January 2002.

27. On 22 July 2002 the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of female Falun Gong practitioners whose lives were reported to be in danger. In particular, the Special Rapporteur received information on the following individual cases.

28. **Zheng Donghui**, aged 30 of Changchun City, Jilin Province, is reportedly held at the Heizuizi Labour Camp in Changchun City. According to information received, she has been beaten, tortured with shocks from electric batons, and hung by her wrists in order to force her to give up Falun Gong. As a result of receiving shock treatment for an extended period of time, she allegedly suffers from heart problems and infections. Her health and life are reported to be in danger.

29. **Li Shujie**, resident of Qiqihar City, Heilongjiang Province, was reportedly arrested in early November 2001 after police broke into her home, and took her to the Anshunlu Police Station. According to reports, a group of police took turns beating her, then covered her head with a plastic bag, and, while suffocating her, pierced her face with needles until she fell unconscious. It is reported that Li Shujie's bones were broken, and her face and body were covered with bruises. Ms. Li was then reportedly taken to the Qiqihar First Detention Center, Qiqihar City, Heilogjiang Province. According to information received, a few days later Ms. Li was taken into a room for interrogation where she was again severely beaten. As a result, her internal organs were allegedly injured, and she was reportedly unable to eat and move for five days. The directors of the detention centre, reportedly rejected Ms. Li's request to be released for medical treatment and it is alleged that one month later she was suddenly moved to an unknown location.

30. **Liu Runling**, aged 38, resident of Hebei Province, was reportedly arrested on 28 September 2001 and detained at the No. 1 Detention Centre, where she remains. In January 2002, guards allegedly ordered several inmates to torture Ms. Liu because she refused to renounce Falun Gong. According to reports, they took her to a bathroom, where she was stripped naked and beaten. They reportedly inserted hair and used tissues into her vagina, and pierced her with needles for 40 minutes. It is reported that this left her covered with wounds and needle holes, and both her breasts allegedly turned black.

31. **Wei Tianchen**, aged 45, resident of Shijiazhuang City, Hebei Province, was reportedly arrested and sentenced to two years forced labour after going to Beijing in May 2000 to appeal to the Government to stop persecuting Falun Gong. She was reportedly released in November 2000 due to weakness, but was arrested again in July 2001 and sentenced to four years in the No. 1 Detention Centre, where she allegedly remains. During her detention, it is reported that she has often been stripped and beaten for refusing to give up Falun Gong. In January 2002, a police officer reportedly put shackles on Ms. Wei and ordered an inmate to pour icy water over her. It is also alleged that she was forced to sleep on the icy ground for one month.

32. **Yang Jingxin**, aged 37, **Lu Guifang**, 50, and **Zhao Yuhua**, 41, residents of Weiping Township, Liaoning Province, allegedly went to Beijing to appeal to the Government to stop prosecuting Falun Gong and were reportedly arrested in Tiananmen Square on 25 April 2002. At the Tiananmen Square police station, they were allegedly stripped down to their underwear and tortured. It is reported that the policemen handcuffed their hands to their backs and inserted pieces of chalk or chopsticks between their fingers. The fingers were reportedly squeezed until the chalk or chopsticks were broken. It is also alleged that the police poured hot water on Ms. Yang, causing her to lose consciousness and her body to become swollen. It is reported that, on the same day, Ms. Yang, Ms. Lu and Ms. Zhao were sent to Masanjia Labour Camp, but were refused because they had become too weak. In May 2002, they were allegedly arrested and resent to Masanjia Labour Camp.

33. According to reports, **Wang Guizhen**, aged 52, resident of Jiamusi City, Heilongjiang Province, went to Beijing in December 2000 to appeal to the Government to stop persecuting Falun Gong. Three policemen reportedly shocked her with electric batons while in detention at the Huairou County Jail in Beijing. She allegedly went on a hunger strike to protest the detention, but reportedly almost died when a feeding tube was inserted into her trachea. It is reported that after being released a week later she was again arrested and detained at the Changchun Heizuizi Labour Camp. According to information received, she frequently received shocks with an electric baton and was also allegedly beaten on numerous occasions. In addition numerous cuts were allegedly found on her face and neck, and her treatment is reported to have caused her to vomit, cough up blood and be unable to eat. She was reportedly sent to a mental hospital, but her current whereabouts are said to be unknown.

Colombia

34. El 21 de noviembre de 2002, la Relatora Especial envió un llamamiento urgente conjuntamente con el Presidente-Relator del Grupo de Trabajo sobre la Detención Arbitraria y la Representante Especial sobre los defensores de los derechos humanos en relación con **María del Socorro Mosquera** y **Mery del Socorro Naranjo**, integrantes de la Asociación de Mujeres de las Independencias (AMI) y **Teresa Yarce**, Fiscal de la Junta de Acción Comunal del barrio Las Independencias III de la ciudad de Medellín (Antioquia). Las tres mujeres participarían también en las actividades en contra de la guerra organizadas por la Ruta Pacífica de las Mujeres. Según la información recibida, las tres personas mencionadas estarían detenidas arbitrariamente desde el 12 de noviembre de 2002 en la cárcel de mujeres a disposición de la Fiscalía Especializada de Medellín.

35. El 8 de noviembre de 2002, Mery del Socorro Naranjo y Teresa Yarce habrían denunciado ante el Secretario de Gobierno Municipal, Sr. Jorge León Sánchez, una serie de violaciones a los derechos humanos que se habrían cometido en la Comuna Trece, desde la ocupación militar y policial de la zona el 15 de octubre de 2002, tras la acción militar denominada "Operación Orión". Las mujeres habrían denunciado, entre otros hechos, homicidios presuntamente cometidos por grupos paramilitares en lugares de la comuna fuertemente controlados por el ejército.

36. Cuatro días después, el 12 de noviembre, miembros de la fuerza pública habrían arrestado a las tres mujeres sin orden de captura. Las autoridades, acusarían a las líderes de ser colaboradoras de los grupos guerrilleros. Durante las respectivas indagatorias, las mujeres habrían aclarado que tales acusaciones serían falsas y sin fundamento.

37. El 21 de noviembre de 2002, la Relatora Especial envió un llamamiento urgente conjuntamente con la Relatora Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias y la Representante Especial sobre los defensores de los derechos humanos en relación con **Jackeline Rojas**, coordinadora de la Organización Femenina Popular (OFP) para el municipio de Cantagallo, departamento de Bolívar. Según la información recibida, el 15 de noviembre de 2002 un funcionario local de Cantagallo habría advertido a Jackeline Rojas de que se la había declarado "objetivo militar". Al parecer, el funcionario habría dicho a Jackeline Rojas que los paramilitares que controlan el municipio consideraban a la OFP una amenaza.

38. La OFP no habría revelado la identidad del funcionario, ya que éste les habría dicho que, si lo hacían, los matarían a él, a Jackeline Rojas y a las familias de ambos. Se teme que esta amenaza significa que otros miembros de la OFP pueden estar también en peligro.

Observations

39. According to information received the three women who were detained on 12 November, **María del Socorro Mosquera**, **Mery del Socorro Naranjo**, and **Teresa Yarce**, were released on 21 November 2002. However, there are continued concerns about their personal safety and the Special Rapporteur urges the State to provide them with security and to take all necessary steps to guarantee a fair trial.

Democratic Republic of the Congo

40. Par une lettre en date du 1er octobre 2002, envoyée conjointement par le Rapporteur spécial sur la question de la torture et la Rapporteuse spéciale sur les exécutions extrajudiciaires, la Rapporteuse spéciale a informé le Gouvernement qu’elle avait reçu des renseignements concernant l’occupation du village de Yungu du 28 août au 8 septembre 2002 par les forces du RCD/Goma dirigées par les Banyamulenge et les forces anciennes de l’armée zaïroise connues sous le nom de Katanyama. Les forces de RCD/Goma auraient incarcéré une quarantaine de personnes dont **Samaki Jenos**, **Eshima**, **Emmanuel**, **Kingi Asasa**, **Maoshwa Kateleka**, **Famba**, **Yakweli**, **Lufungulo**, **Ernet Chofu** et **Kasereka**.

41. Accusées de soutenir les forces gouvernementales et d'assister les May-May, les personnes ainsi détenues auraient été contraintes de se coucher durant toute la journée à même le sol, les yeux braqués vers le soleil. Les femmes, telles que **Rael Mukandwa** et **Mme Namkamba**, se seraient vu forcées d'avoir des relations sexuelles avec les militaires et certaines, dévêtues, auraient subi en public un toucher vaginal pour chercher de l'or éventuellement caché. Mme Namkamba aurait ensuite été exécutée ainsi qu'un grand nombre des personnes détenues.

42. Les victimes auraient présenté des séquelles graves nécessitant une assistance médicale et alimentaire d'urgence. **Asende Willondja**, médecin du centre de réhabilitation des victimes de la torture du CEDH (Centre for the Education and Defence of Human Rights), se serait rendu au village de Yungu pour fournir une assistance aux victimes et aurait été arrêté à son arrivée le 2 septembre 2002. Docteur Willondja ainsi que **M. Munga**, son assistant, auraient alors été maltraités. L'équipement médical aurait été emporté, les médicaments volés ainsi que 12 sacs de farine et la somme de 200 dollars des États-Unis destinés à nourrir les victimes. Asende Willondja et M. Munga auraient été libérés le 4 septembre 2002.

Ecuador

43. El 11 de septiembre de 2002, la Relatora Especial transmitió una comunicación conjunta con el Relator especial sobre la cuestión de la tortura en la que se comunicó al Gobierno que los Relatores recibieron información sobre los siguientes casos individuales.

44. **Narda del Rocío Torres Arboleda** habría sido agredida el 12 de junio del 2001 por unos hombres que la habrían golpeado e insultado en relación con su homosexualidad. El 13 de junio de 2001 habrían sido a la comisaría Nº 5 de la Policía Nacional, en Quito, para presentar una denuncia. Sin embargo, los agentes de policía allí presentes se habrían negado a prestarle atención cuando intentó relatar el acoso y los golpes sufridos. Los agentes habrían puesto aun menos interés cuando les informaron de que el motivo de tal acoso había sido su orientación sexual. Un perito médico legista habría examinado a Narda Torres y habría informado que tenía hematomas provocados por los puñetazos que había recibido en el ojo izquierdo, y que presentaba además inflamación del labio superior. El 18 de junio del 2001, Narda Torres habría ido al Servicio Médico Comunitario, donde un médico habría diagnosticado que tenía la nariz fracturada y que necesitaba someterse a cirugía. La policía habría entregado a Narda Torres una boleta de auxilio, permiso que le daría derecho a pedir a cualquier agente de policía que, en caso de que el incidente se repitiera, detuviese a sus presuntos agresores. Sin embargo, según la información recibida, la policía no llevó a cabo mayores investigaciones al respecto. El 28 de agosto del 2001, **Adriana Patricia Chávez Chávez**, madre de una niña de 12 años y compañera de Narda Torres, habría sido agredida, insultada y amenazada por los mismos dos hombres implicados en el anterior ataque. El 3 de septiembre del 2001, la Comisión Ecuménica de Derechos Humanos (CEDHU) habría dirigido una carta al ministro de Gobierno, el Dr. Juan Manrique, informándole del caso de Narda Torres y su compañera y solicitando que se abriera una investigación sobre las denuncias realizadas por éstas. El 5 de diciembre del 2001, las dos mujeres habrían sido nuevamente acosadas e intimidadas cuando llegaban a su casa. Mientras Adriana Chávez abría la puerta, un vehículo que se hallaba a unos 70 m aceleraba por la acera hacia ellas. Narda Torres habría sido golpeada de refilón por el vehículo, provocándole

contusiones de consideración en la pierna, que habrían requerido una escayola. Según la información recibida, hasta la fecha las autoridades ecuatorianas no habrían informado ni a Narda Torres, ni a Adriana Chávez de que se estuviese llevando a cabo investigación alguna sobre sus denuncias.

India

45. By a letter dated 4 July 2002, the Special Rapporteur advised the Government that she had received information concerning large-scale violence against women that took place in Gujarat during February and March 2002. Violence allegedly continued sporadically until June 2002. It is alleged that the violence that targeted Muslim communities was pre-planned and that every instance of mob violence against the community in general was accompanied by a pattern of violence against women. Crimes targeting women have allegedly been grossly under-reported and are in need of further investigation. It is reported that there are many women in relief camps who have suffered sexual violence including rape, gang rape, forced nudity, and molestations. A majority of rape victims are said to have been sexually mutilated and then burnt alive.

46. According to information received, members of the State government, including the State Chief Minister, have shown an element of complicity with those involved in the rioting. A climate of impunity was reportedly created where violent excesses, including sexual violence, were allowed to take place. This was allegedly worsened by the reported apathy, and sometimes complicity, of law-enforcement agencies. Despite loss of control of the situation, it is reported that there was a delay before the army was called in and deployed. Once deployed, it allegedly received insufficient police support and intelligence.

47. It is alleged that no effort was made to protect women by the police. Women survivors were reportedly denied the right to file FIRs (first information reports), and there is no existing institutional mechanism in Gujarat through which women can seek justice. It is alleged that the district collector of Panchmahals has been quoted as saying that he is not able to look into individual cases of sexual violence. However, information on sexual violence is reportedly widely available from eyewitnesses and survivors, including video footage where women speak of witnessing rapes, and where one can reportedly see slogans like, "*Muslims Quit India - or we will f*** your mothers,*" written on the walls of charred houses. It is reported that conditions in the relief camps are extremely serious, and State effort to help victims is insufficient.

Follow-up to previously transmitted communications

48. By a letter dated 13 June 2002, the Government responded to the joint communication dated 30 August 2001 (see E/CN.4/2002/83/Add.1, paragraphs 38-39) regarding excessive use of force by the police against **Manjolai Tea Estate workers and their supporters** in Tamil Nadu. It stated that the government of Tamil Nadu appointed a Commission of Inquiry to inquire into the causes and circumstances that led to the incident at Tirunelveli City on 23 July 1999. The findings were examined by the Government and accepted by the Tamil Nadu legislative assembly.

49. According to the Government, the Commission of Inquiry gave various reasons as causes and circumstances that led to the excessive use of force by the police on 23 July 1999. The Commission reportedly held that the use of force to disperse the crowd was warranted. However, the Commission was reportedly of the view that the police used excessive force in chasing procession members to the river bed, and has recommended the compulsory retirement of three officials, including two assistant police commissioners, for gross dereliction of statutory duty. The quantum of punishment, if any, was not yet decided.

50. The Government reported that, according to the Commission, the drowning of 11 persons was an accident. The other six deceased persons are alleged to have first sustained injuries at Kokkirakulam Road before being chased to the river. Anxious to cross the river to safety, the demonstrators are said to have created a stampede which caused some to fall into the water. The Commission reported that some drowned because they did not know the depth of the river and the force of the current. The Commission also found that the police did not intend to cause the death of these persons, and that they did not beat victims on the river bed while they were trying to swim.

51. According to the Government, the families of the 11 persons who died due to drowning in the river were awarded 200,000 rupees each and the families of the 6 who first sustained injuries and then fell into the river and drowned were awarded 300,000 rupees each. The Government has reportedly also issued orders for providing employment to one member of each of the families of the 17 persons who lost their lives.

52. The Government considered that there is no truth to the allegation that women who were taken to Tirunelveli Police Station were stripped naked, beaten, and verbally humiliated, because no representation has been made by the women before the Commission of Inquiry. It also stated that the Collector of Tirunelveli has reported that such abuse did not occur at Tirunelveli Police Station or Palayamkottai Police Station on 23 July 1999.

53. By a letter dated 16 July 2002, the Government responded to the communication sent jointly with the Special Rapporteur on the question of torture on 10 August 2001 (see E/CN.4/2002/83/Add.1, paragraphs 27-37) regarding the following cases.

54. The Government reported that on 13 April 2000 the police recorded a statement by **Mariam Begum** at Doda District Hospital that on 10 April 2000 about 14 or 15 army personnel came to her house and took her to nearby fields where she was gang-raped by five army personnel. This happened one day after her husband, Mohd. Yousaf, was picked up near army post Patzani and taken to their camp. According to the Government, case FIR (first information request) No. 4512000 was registered at the police station of Kishtwar on 14 April 2000, and an investigation was undertaken. The Government reported that despite efforts, the accused persons could not be identified, and the case was closed as “untraced”.

55. According to the Government, on 2 June 2001 **Sakeena Begum** lodged a written report at Doda Police Station alleging that on 1 June 2001, a day after a human rights team visited the Marmat area to make inquiries about security force involvement in human rights violations, army personnel from the 8th Reshtriya Riffles went to Behota Marmat village and forcibly intruded into villagers’ houses. They beat up male and female family members of Kund village,

confined male members inside of rooms, and raped Sakeena Begum and her daughter-in-law, **Naseema Begum**. Security force personnel also took blankets and other things from the villagers. According to the Government, the case was registered as FIR No. 59/2001 and the investigation is still under way.

56. By a letter dated 22 October 2002, the Government responded to the joint communication dated 22 November 1999 (see E/CN.4/2000/68/Add.1, paragraphs 48-66) regarding the following cases.

57. According to the Government, on 31 July 1997 Rama Kant Sargiary of Goroimary village reported at Dokmoka Police outpost that, on 30 July 1997, an unknown CRPF Personnel entered his house and raped his wife, **Jamuna Sargiary**. The Government reported that Investigating Officer, Sub-Inspector Bigan Singh, lodged an FIR at Howraghat Police Station on 2 August 1997. The Government stated that during the investigation, relevant witnesses were examined but all expressed their inability to identify the accused. According to the Government, Rama Kant Sargiary refused to lodge an FIR regarding the matter, and did not allow his wife to undergo a medical examination. In addition, the Government reported that the victim refused to be medically examined and to identify the accused. The Government said that the police could therefore not trace the accused person, and the case was filed in FR (final report) as true but without clues regarding the accused.

58. Regarding the alleged rape of **Minoti Roy** and **Damayanti Roy** by army personnel, the Government reported that they were both medically examined at a hospital in Bongaigaon on 26 May 1997. Evidence suggesting recent rape was reportedly found in the case of Damayanti Roy, but the doctors could not give a definite conclusion in the case of Minoti Roy. The Government reported that an investigation was begun and that the Commanding Officer, Surindar Singh, set up an identification parade with relevant army personnel. According to the Government, they were examined and that no information on the crime was known. The Government added that the army personnel were also shown to the victims but that no identification could be made. Upon re-examination the victims reportedly expressed their inability to identify the accused person if seen again, and the investigation was then closed.

59. In the same letter the Government explained that, according to the Kokrajhar Superintendent of Police, no case of alleged rape had been reported to the police regarding **Ubasi Rava**, **Basabi Rava**, **Suni Rava**, and **Damshri Rava**. Hence, there has been no investigation.

Indonesia

60. By a letter dated 11 September 2002, sent jointly with the Special Rapporteur on the question of torture, the Special Rapporteur advised the Government that she had received information on the following cases. **Nurma**, a 15-year-old girl from Ujong Tanah, Bakongan, and **Noriza**, a 24-year-old woman from Alue Dua Meuh (Alor Dua Mas) village were reportedly taken off a bus in a sweeping operation by Brimob soldiers on 22 September 2000 in Gelombang village. The two women are reported to have been held at the Brimob post in Lhok Jamin where they are believed to have been forced to work as “sex slaves” until they were reportedly released on 2 December 2000.

Iran (Islamic Republic of)

61. By a letter dated 16 September 2002, sent jointly with the Special Rapporteur on the question of torture, the Special Rapporteur advised the Government that she had received information on the following cases.

62. In July 2002, Zahra Shojaei, Iran's presidential adviser on women's issues, is said to have defended the practice of stoning women to death for adultery in a meeting at the beginning of July 2002 with Belgium's deputy prime minister, stating that the punishment was correct under Shariah law and "safeguarded the inviolability of the family". Furthermore she is alleged to have stated that once the conditions needed to justify death by stoning, namely the existence of four witnesses to the act, were fulfilled, the perpetrators "deserved the punishment".

63. **Azam**, a 21-year-old woman from the village of Badali near Behbahan, was reportedly sentenced by a court in southern Iran in July 2002 to have both her eyes gouged out in public, after she threw acid powder at a man who wanted to rape her at gunpoint and caused him to be blinded. It is reported that Mullah Moussavi, the religious judge in the southern town of Behbahan, ruled that "the defendant (Azam) did not act in legitimate defence. [...] She must therefore be punished in accordance with the law of retribution and both her eyes must be blinded completely." The mullah-judge reportedly added that the punishment "must be carried out in public, in order to set an example for members of the public". Azam was allegedly also sentenced to a year in jail for "throwing" obnoxious materials.

Israel

64. On 8 February 2002, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the question of torture on behalf of **female Palestinian prisoners** held at Neve Tirtza women's prison in Ramle, on behalf of whom the Special Rapporteurs already intervened on 26 September and 16 October 2001. It was reported that after the last suicide bombing in Jerusalem on 28 January 2002, the criminal prisoners in Neve Tirza screamed death threats at the 12 prisoners detained allegedly because of their political activities and threw glasses into their cells. About 30 riot police, men and women, sprayed the cells of those prisoners with tear gas, even though it is believed that there are strict directives prohibiting spraying tear gas inside a closed space. The police reportedly entered the cells of the Palestinian women and started beating them with their truncheons. **Amne Muna** was allegedly subjected to the worst beating and tear gas was sprayed on her face. All the women were reportedly put in isolation and were handcuffed for some hours.

Liberia

65. By a letter dated 11 September 2002, sent jointly with the Special Rapporteur on the question of torture, the Special Rapporteur advised the Government that she had received information that several women were raped by the Liberian security forces during fighting between them and forces of the Liberians United for Reconciliation and Democracy (LURD) on 9 May 2002 in Gbargna town. The Special Rapporteur provided information on the following cases.

66. **Fatu Kollie**, aged 21, was reportedly raped by a member of the Liberian security forces behind the Gbarnga Methodist School in Gbarnga on 9 May 2002.

67. **Annie Goll**, aged 19, was reportedly gang-raped by four men from a band of government militia fighters, inside the Gboveh High Building in Gbargna town on 9 May 2002.

68. **Hawa Flomo**, aged 33, was reportedly abducted and held for two days while she was repeatedly raped by a member of the Anti-terrorist Unit (ATU), near Cuttington University College on 9 May 2002.

69. A displaced woman, aged 23, was reportedly arrested by government security forces at Sherman Farm, located between Bong Mines and Kakata, Margibi County, on 20 February 2002, at around 7.15 p.m. The woman was reportedly gang-raped and then severely flogged by members of the security forces leading to severe bruising on her body.

70. A 14-year-old girl, **KF**, was allegedly gang-raped in February 2002 by seven members of ATU at Sawmill in Bomi County. She was said to have been fleeing from Sawmill during a supposed attack on the area. Under the guise of coming to rescue her, ATU members reportedly took her to a tent and held her there for six days, during which time all seven repeatedly raped her.

Mexico

71. El 14 de marzo de 2002, la Relatora Especial envió un llamamiento urgente conjuntamente con los Relatores Especiales sobre la cuestión de la tortura y sobre las ejecuciones extrajudiciales, sumarias o arbitrarias sobre **Valentina Rosendo Cantú**, de 17 años de edad, indígena de la comunidad de Barranca Bejuco, en el municipio de Acatepec, Estado de Guerrero. Habría sido abordada el 16 de febrero de 2002 por cuatro soldados quienes le habrían preguntado por miembros de la guerrilla. Al responder que no sabía nada, los soldados la habrían golpeado y dos de ellos habrían abusado sexualmente de ella. Un médico del Centro de Salud de Caxitepec, se habría negado emitir un certificado médico por miedo a represalias. Fue diagnosticada en el Hospital General de Ayutly con traumatismo abdominal y hemorragias por los golpes que habría recibido. Habría presentado una denuncia el 26 de febrero ante la Comisión Nacional de Derechos Humanos (CNDH). La CNDH no habría empezado su investigación. El Procurador Militar habría abierto una investigación sobre los hechos. El 2 de marzo soldados habrían ido al pueblo de Barranca Bejuco y habrían disparado al aire para intimidar a la población.

72. By a letter dated 16 August 2002, the Government responded regarding the case. It stated that on 5 March 2002, the Guerrero State Human Rights Commission opened file No. CODDEHUM-VG/065/2002-II, following a complaint lodged by the President of the Mexican League for the Defence of Human Rights (LIMEDDH-FIDH). According to the Government, during the investigation, a statement was taken from Ms. Valentina Rosendo Cantú, and from her husband, Mr. Fidel Bernardino Sierra. They reportedly lodged a complaint with the public prosecutor in the judicial district of Allende, which was filed as preliminary investigation No. ALLE/SC/02/062/2002. The Government also reported that

Ms. Rosendo Cantú underwent medical tests and a clinical exam. The Government reported that, on 18 March 2002, the case was handed over to the National Human Rights Commission (CNDH) because of the alleged involvement of federal officials. It also reported that, a file on the case was opened as complaint No. 2002/597, which is currently being processed by the Office of the Fourth Inspector-General. As the involvement of members of the Mexican army is suspected, the preliminary investigation was entrusted to the Office of the Procurator-General for Military Justice and is still under way.

Myanmar

73. By a letter dated 1 October 2002, sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture, the Special Rapporteur informed the Government that she had received information on the following cases.

74. **Maw Plu Meh**, an ethnic Karenni woman, was reportedly gang-raped near Daw Thè village, Loikaw Township, on 24 August 1996 by soldiers led by Commander Hla Win. It is alleged that Maw Plu Meh died as a result of her injuries.

75. **Naw Paw Lweh**, aged 15, and Paw Lweh's aunt, were allegedly raped in their house on 20 March 1997 in Poe Zeh village, Kyi In Seik Kyi Township, Karen State, by Sergeant Tway Nge, under the command of Major Tay Aung.

76. **Naw Aye Yin** and **Naw Thein Za** were allegedly gang-raped and then executed on 23 March 1997 in Gar Lay Kee, Kya In Seik Kyi Township, Karen State, by Captain Thein Ag and his company from Light Infantry Battalion No. 205. It is reported that the naked bodies of the two women were left at the edge of a forest.

77. **Nang Pong**, **Nang Aye**, **Nang Pool**, **Nang Kham Arm**, **Nang Parng**, and **Nang Soi** were reportedly raped and executed on 28 March 1997 in Wan Phui village, Kho Lam tract, Nam Zarng Township, Shan State, by 100 State Law and Order Restoration Council soldiers led by Major Saw Win from IB No. 246. It is reported that the women were accused of being Shan United Revolutionary Army (SURA) soldiers' wives.

78. **Naw Khin Mya**, an ethnic Karen woman, was reportedly kidnapped and gang-raped for two days on 10 September 1997 in Lar Aw Kor village, Thaton Township, by soldiers from LIB 534 led by Major Aung Than.

79. **Naw Lar Lu** and **Naw His His Thart** were reportedly gang-raped and executed on 22 December 1997 in Ta Lay Ko village, Tavoy District, Karen State, by soldiers from IB/LIB No. 280/285. It is also reported that the soldiers took Naw His His Thart's 14-year-old daughter and 8-year-old son away.

80. **Naw Shiri**, an ethnic Karenni woman, was reportedly gang-raped and executed on 4 February 1998 in Shodawko village by Major Than Aung and his troops from LIB 427.

81. **Naw Chit Bay** was reportedly raped and executed on 18 February 1998 in Kaw Thay Der, Toungoo District, Karen State, by a soldier from LIB 59.

82. **Naw Ma U**, aged 20, was reportedly raped and executed on 7 April 1998 in Ba Hat, Karen State, by an officer from LIB 234.

83. **Naw MuMu**, aged 50, was reportedly raped on 28 June 1998 in Shwe dee village, Kler Lwee tu/Nyaung Lay Bin District, Karen State, by Captain Nyi Nyi Thun. She was then reportedly asked for 18,000 kyats and released.

84. **Pay Moe**, an ethnic Karenni woman, was reportedly gang-raped on 21 December 1998 near Shadaw relocation site, Shadaw Township, by five soldiers from LIB 412.

85. **Ma Pah Cho** was reportedly raped on 29 June 1998 in Ma U Bin, Karen State, by Officer Mg Mg Thein from LIB 350. According to information received, Ma Pah Cho was released and is living in a refugee camp.

86. **Naw Htee Moo** was allegedly raped in front of her husband and then both were executed on 28 June 1998 in Shwe dee village, Kler Lwee tu/Nyaung Lay Bin District, Karen State, by Captain Nyi Nyi Thun from LIB 60.

87. **Naw Paw Lu**, aged 16, was reportedly raped and executed on 20 July 1998 in Htit Baw village, Mutraw District, Karen State, by an officer from LIB 230.

88. In 1998, young women from the same village were reportedly summoned to garrison camp by Major Myint Soe, for allegedly having links with the Karenni army. These women were allegedly beaten and raped by Myint Soe himself, and forced to do hard labour for three days. It is also reported that a platoon commander, Tin Hlaing, along with two lower commanders raped four girls including a 12-year-old girl, **Bu Myar**.

89. **Naw Mu Tu** and **Naw Mu Naung** were allegedly gang-raped on 26 July 1998 in front of their brother in Mae-ta-bu, a Karen village in Mon State, by soldiers from IB 61 led by Col. Than Win. According to information received, their brother made a complaint to Col. Than Win but no action was taken.

90. **Naw Bee** and **Naw Cho Yee** were reportedly raped and executed on 8 October 1998 in Du Soe Pwe Plaw, Karen State, by soldiers from LIB 552.

91. **Ma La Myint**, aged 43, and **Ma Kyunt,** aged 16, were allegedly raped and executed on 13 October 1998 in Aung Chan Than, Kler Lwee tu District (Nyaung Lay Bin), Karen State, by Captain Aung Soe from LIB 59.

92. **Naw Mu Tu**, aged 18, was reportedly raped and executed on 13 October 1998 in Pa Wa Plaw, Tavoy District, Karen State, by Captain Tin Aung.

93. **Naw Kee Ker**, aged 19, was allegedly raped and executed on 4 November 1998 in K'nye Chaw, Karen State, by Aung Than from LIB 42.

94. **Nang Zing** and **Nang Pang** were allegedly raped and executed on 3 June 1997 in Ter Leng village, Lai Kha Township, Shan State, by troops from LIB 424 led by Major Myint Than.

95. **Nang Thun** and **Nang Kham**, two ethnic Shan women, were reportedly robbed, raped and executed on 6 June 1997 at a local military base in Murng Kerng Township by LIB 519 commanded by Major Min Sein.

96. **Nang Suay Khin**, **Nang Lek, Nang Suay-Yunt** and **Nang Phawng** were reportedly gang-raped on 27 November 1997 in Wan Parng village, Shan State, and forcibly moved to Murng Nawng relocation site by soldiers from LIB 524 led by Commander Htun Mya. According to reports, these women were raped by each soldier until evening and then executed.

97. **Nang Zing-Yunt**, an ethnic Shan woman, was reportedly raped and executed on 28 January 1998 in Mawk Zarm village, Nam Pa Luk tract, Murng Kerng Township, by troops from Lai Kha-based LIB 515 led by Major Soe Hpyu. According to information received, her father and relatives were also executed and their house burnt down.

98. **Aye Mung**, and **Aye Sa** were reportedly raped and executed on 19 April 1998 in Nar Mon and Wan Pek villages, Ham Ngai tract, Murng Kerng Township in Huay Kyawng, Shan State, by SPDC troops of LIB 513.

99. **Nang Sa** and **Aye Nang**, from the villages of Nar Mon and Wan Pek, were forcibly relocated to Ham Ngai relocation site, Murng Kerng Township, Shan State, where they were reportedly raped on 3 May 1998 by a group of SPDC soldiers from IB 9. According to reports, both women were raped, executed and then buried in shallow graves.

100. **Zarm Hawm**, an ethnic Shan woman, was allegedly raped and then executed by fire on 11 May 1998 in a farm hut, four miles east of Lai Kha town relocation site, by troops from LIB 442 led by Major Myint Than. It is also reported that her parents and one villager were tied up and left in the forest. Her mother is said to have died of grief.

101. **Nang Kham**, **Nang Lu**, **Nang Oom**, aged 16, and **Nang Loi Khio**, aged 16, were reportedly raped and executed by SPDC troops from IB 225 led by an officer Tin Aung, near Ta Sang, on 18 May 1998. According to information received, their bodies were mutilated and their breasts cut off.

102. **Nang Suay**, an ethnic Shan woman, was allegedly gang-raped and executed on 6 June 1998 near Kho Lam, Nam Zarng Township, by SPDC troops from IB 246 led by Major Tu Nyein.

103. **Nang Thawn**, **Nang Mya Zing**, and **Nang Mawn** from Nar Kharn village, Murng Nai Township, Shan State, were reportedly gang-raped and executed on 14-15 July 1998 by 12 SPDC troops from LIB 524 led by Commander Khin Hla Win. It is reported that a man accompanying two of the women was also executed.

104. **Nang Kya Non**, an ethnic Shan woman, was allegedly raped and executed on 17 July 1998 in Lai Kha town by troops from LIB 515 led by Lai Kha-based Commander Han Aung. According to reports, a complaint was registered with LIB 515 Commander Soe Phyu who claimed that Han Aung had been sent on a military operation. The accused was allegedly assigned to a distant outpost.

105. **Nang Poi**, a 17-year-old ethnic Shan girl from Wor Tawng village, Ho Lin tract, Murng Pan Township, was allegedly raped and executed on 27 September 1998 by SPDC troops from LIB 520 led by Major Maung Ong, while her family was staying overnight and tending their rice and soybean in a deserted village. According to information received, her brother and parents were interrogated and then executed.

106. **Nang Sa** was reportedly raped, beaten and executed on 10 December 1998 in a farm hut just outside of Nawng Kaw village, Wan Zard tract, Kae See Township, by Captain Soe Hlaing from LIB 424. It is alleged that the village headman witnessed Captain Soe Hlaing leaving the house and reported it to the town community leaders. According to information received, the captain and his soldiers arrested, beat and tortured the headman until he died, claiming that they had found a walkie-talkie in his house.

107. According to information received, **Nu Harn**, **Sing La**, **Naang Hurng**, **Naang Muay**, **Zaw Yaen**, **Naang Kui**, **Kham Non**, **Seng Hurng**, **Zing Nyunt**, **Kham Leng**, **Pa Maai**, **Pa Awng** and **Pa La** were accused of assisting Shan soldiers. They were reportedly raped on 17 January 1999 in Tawng Seng village, Huay He tract, Ho Pong Township, by SPDC troops from Murng Pawn (in Loi-Lem) led by Commander Aung Mya. It is alleged that one girl was released while the other 13 women were taken away with the troops as porters. Four of them have reportedly been executed and the others disappeared.

108. **Nang Kawng Tip**, aged 17, was reportedly raped and executed on 13 April 1999 near Murng In village, Murng Poo tract, Murng Sart Township, Shan State, by seven Murng Sart-based SPDC troops from LIB 527.

109. **Naw Khi Kyi** was allegedly raped and executed on 15 April 1999 in Hay Tah Weh, Kler Lwee tu District (Nyaung Lay Bin), Karen State, by Captain Aung Zaw Myo.

110. **Naw Pun na** was reportedly raped and executed on 25 April 1999 in Shwe Kah Mang, Kler Lwee Lwee Tu District (Nyaung Lay Bin), Karen State, by Captain Aung Zaw Myo.

111. **Naang Zing Mya**, an ethnic Shan girl originally from Wan Paang village, Nawng Hee tract, Nam Zarng Township, was reportedly raped and executed on 24 May 1999 by SPDC troops from Co.4 of LIB 247 led by Commander Tha Aye. It is alleged that the village headman advised the parents not to make complaints.

112. Four ethnic Shan women and girls, **Naang Yaen**, **Naang Kham**, **Naang Zaan**, and **Naang Zing** were reportedly gang-raped and executed on 29 May 1999. In Kaeng Lom tract, by SPDC troops from LIB 246, and IB 12 led by Captain Soe Naing Oo, Captain Tin Maung Win and Captain Than Naing Oo. According to reports, the troops separated them from their parents and took them to different places, where they were gang-raped and executed.

113. **Naw Thsan Tin** was reportedly raped and executed on 22 July 1999 in Lek kaw wa, Kler Lwee too District, Karen State, by Captain Thin Nyunt from LIB 440.

114. **Naw The Moe**, **Naw Po Pree**, **Naw Per Say**, aged 16, and **Naw Thu**, aged 9, were allegedly raped and executed on 31 July 1999 in Ta Po Kee, Karen State, by LIB 101, Section 4 Capt. Moe Kyaw, Kar Tay. It is reported that Naw The Moe was five months pregnant when she was executed.

115. **Naang Mon**, originally from Kaeng Lom village, but relocated to Kun Hing town, was allegedly gang-raped and executed on 16 September 1999 by SPDC troops from IB 246 led by Captain Kyaw Aye. According to reports, Naang Mon was forced to accompany the troops for four days during which she was raped at will by the captain. On the last day a captain reportedly ordered his officers to rape her one by one, after which she was reportedly given to a private who, after raping her, executed her with his bayonet.

116. **Mi Than Aye**, aged 16, was allegedly gang-raped in September 1999 in War-ta village, Yebyu Toenship, Tenasserim Division, by soldiers from Battalion IB 103. According to reports received, the soldiers took her parents away, tied her up and raped her one after another until she lost consciousness.

117. **Nawng Pe** and **Naang Khin Lu** originally from Wan Pae village but relocated to Kun Hing town relocation site, were reportedly arrested on 29 September 1999 by troops from IB 246 led by Captain Than Maung. They were allegedly accused of being wives of SSA soldiers and interrogated. They were then taken by troops on patrol for five days and four nights during which time they were reportedly abused, raped and then executed.

118. **Pa Poi**, aged 38, **Naang Awng**, **Naang Mawn**, aged 31, and **Pa Loi Pe**, aged 42, originally from Kung Pek village, Huay Awn tract, relocated to Murng Kerng town relocation site. All were accused of having provided rice for the Shan rebels on 30 October 1999 by SPDC troops from LIB 514 led by Captain Myint Aung. The women were allegedly raped all night and then executed.

119. **Naw Kaw La**, a 38-year-old pregnant woman, and **Saw Nay Moo Moe**, aged 40, were reportedly raped and executed on 4 April 1999 in Paung Aw taw, Kler Lwee tu District (Nyaung Lay Bin), Karen State, by Captain Aung Zaw Myo Special troops.

120. **Naang Nguay**, aged 21, and **Nang Lern**, aged 17, from Nam Pa Man village, Kaeng Lom tract, Kun Hing Township, were reportedly raped and executed on 11 January 2000 by 80-90 SPDC troops from Co.2 of IB 102 led by Captain Saw Hpyu. They had reportedly been cultivating plots of rice on the Nam Pang River.

121. **Naang Ser**, aged 18, from Kun Hing town, was reportedly accused of supporting Shan soldiers, and repeatedly raped and beaten to death by 50-60 SPDC troops from IB 246 led by Captain Aung Moe on 22 January 2000. According to information received her father and brother were also accused of supporting Shan soldiers, and were tortured and beaten to death. It is also reported that the girl's cousin, who was working as a porter for the SPDC troops, tried to intervene to save his relatives, but was severely beaten, became mentally unbalanced and later died.

122. **Maw Keh Lah**, a 13-year-old Karenni girl, was reportedly raped at her house on 8 February 2000 in Daw Kraw Ku village, Prusoe Township, by Aung Naing Win from LIB No. 427. According to information received, both her father and her sister, aged 9, tried to stop the rape and were shot in the legs. It is said that the village headman tried to take the case to court, but received no response from the authorities.

123. **Naw Paw Kyaw**, aged 16, **Naw Kya Sein**, aged 17, and **Naw Tway Nyo**, aged 20, were allegedly gang-raped on 22 March 2000 in Kyaw Be Loo, Doo Pla Ya District, Myawlamyaing, Karen State, by soldiers from SPDC 881.

124. **Naang Mya Ki**, aged 24, **Naang Mya Lu,** aged 21, and **Naang Thun Nae**, aged 18, were allegedly raped and beaten to death on 13 March 2000 by 80 SPDC troops from LIB 359 led by Captain Htun Kyaw in Pa Sak village, Waeng Nur tract, Murng Sart Township. It is reported that the troops seized the women while they were collecting firewood in the forest and interrogated them. According to reports, a captain took the youngest girl into a nearby bush and raped her. He then reportedly told his junior officers to rape the women, after which, the troops allegedly beat them to death with sticks.

125. **Naw Kleh**, aged 14, and **Naw Htoo Paw**, aged 25, were reportedly raped and executed on 28 March 2000 in Petakah village, in Buko-Kwakee area, by soldiers from a combined column LIB No. 516 and LIB No. 518 led by Col. Soe Maung Oo. According to information received, the soldiers captured three men from the village along with the victims and one man was also executed.

126. **Naang Ong**, aged 15, **Naang Thun Nae**, aged 18, and **Naang Paan Yaen**, aged 22, originally from Wan Khem village, Wan Khem tract, Kae See Township, relocated to Kae See town relocation site, were reportedly accused on 26 March 2000 of being wives of Shan rebels. According to information received, 30 SPDC troops from Co.3 of LIB 514 led by Captain Than Myint, Lt. Aung Hla and Sgt. Pa Thein, tied them up, interrogated them and gang-raped them. Initially, three SPDC officers reportedly raped the women all night and half of the next day, and then the remaining 30 troops allegedly gang-raped the women and executed them.

127. **Naang Oo**, aged 18, originally from Kun Pan village, relocated to relocation site in Kun Hing, was reportedly gang-raped and killed on 11 April 2000 by 100 SPDC troops from IB 246 led by Capt. Htun Myint. According to reports, the physically and mentally disabled girl had been living with her family in a hidden village on the river. When the soldiers came,

everyone ran away, leaving Naang Oo behind as she was unable to walk. It is alleged that the captain interrogated her for some time, beating and torturing her. He then reportedly ordered his troops to, "Take her away, I don't want to see this kind of fool anymore." The soldiers allegedly gang-raped and executed her, then dumped her body into the river.

128. **Naang Kham Leng**, aged 16, and **Naang zing Nyunt**, aged 17, originally from Kung Sa village, Wan Saang tract and Nam Tawng village, Wan Lur tract, Lai Kha Township, were reportedly detained and raped on 2 May 2000 by 50-60 SPDC troops from Co.3, IB 55 led by Captain Thein Win. According to information received, the girls were arrested after being seen grazing their oxen in a meadow. The troops allegedly detained the girls six days and five nights, during which they were repeatedly raped by a captain and his officers. It is alleged that the captain later ordered their execution.

129. Six ethnic Shan women, **Naang Muay Phawng**, **Naang Zaam Pao**, **Naang Htun Nae**, **Naang Khur Wan**, **Naang Laao Sai** and **Naang Seng Hurn** were reportedly stopped by 70-80 SPDC troops from IB 246 led by Capt. Aung Htay in May 2000 and taken towards Kun Hing town. It is alleged that the captain raped one of them and told his troops to rape the other women. The captain then reportedly ordered his troops to sit the women in a group and execute them.

130. **Mi Khin Htee**, aged 29, was reportedly raped in June 2000 in Sin-Swe village, Yebyu Township, Tenasserim Division, by the Commander from LIB No. 273, Maj. Khin Soe. According to reports, neighbours heard the rape but could not help as his soldiers were guarding the house.

131. **Pa Mung**, aged 40, was reportedly raped and beaten to death on 8 July 2000 near Kun Hing Township by 35 SPDC troops from Co.4 of IB 246 led by Captain Kyaw Myint.

132. **Mi San Htay**, an ethnic Mon girl, was reportedly raped on 23 September 2000 in Kwe-ta-lin village, south of Yebyu Township, by Sergeant San Win from LIB 282. He allegedly summoned her to his barrack, took her to the kitchen and raped her.

133. **Naang Tawng**, aged 18, and **Naang Maai**, aged 16, originally from Haang Lin village, Naa Poi tract, relocated to Nam Zarng town relocation site, were reportedly arrested, raped and beaten to death on 18 July 2000 by 60 SPDC troops from Co.3 of IB 66 led by Capt. Htay Aung.

134. **Naang Seng**, aged 30, and **Naang Maai**, aged 24, accused of providing rice for the Shan soldiers, were reportedly taken into a farm hut near Wan Phui village, Kho Lam tract, Nam Yarng Township, on 11 July 2001, where they were gang-raped and beaten to death by 50 SPDC troops from IB 247 led by Captain Mya Htoo.

135. **Naang Kham**, a 16-year-old Shan woman living with her husband on their farm in Central Shan State, was allegedly raped in August 2001 by troops from LIB 246. According to information received, the soldiers tortured and beat Naang Kham's husband, then they reportedly beat her with a stick and hit her body and face with their guns. All 10 soldiers allegedly raped

her one by one over a period of eight hours, while the others are said to have stood outside the hut laughing. She was seven months pregnant and reportedly lost consciousness several times. Her husband was allegedly taken away and never returned.

136. According to reports, Sergeant Kyaw Myint from IB 61 took **Mi Htwe Yin**, aged 30, hostage on 8 October 2001 in Son-htit-tar village, north of Ye Township, and asked her husband for 100,000 kyat as ransom. He reportedly beat, raped and tried to kill her, but Mi Htwe Yin managed to escape.

137. **Ma Ma Sein**, a 15-year-old Karenni girl, was allegedly raped on 28 October 2001 near Kone Suu village, Lawpita, Loikaw Township, by three privates from IB 72 based at Lawpita. It is reported that the commander threatened to detain her parents if they pressed the case.

138. **Naw Moo Lah Aing**, aged 16, and **Ma Chi Win**, aged 18, were reportedly gang-raped on 11 February 2002 in Mae Thraw Kee Kawkareit Township, Karen State, by troops from IB No. 10 under LID No. 88. The troops allegedly took them outside of the village, tied them up and raped them. No action was reportedly taken.

139. **Naw Leh Say**, aged 17, and **Naw Moo Moo**, aged 18, were reportedly raped on 19 February 2002 in Pa Na Mi village, Tavoy district, Karen State, by Win Nyunt from SPDC militia.

140. **Naw Ta Sei**, aged 15, was reportedly beaten and raped on 7 June 2002 in Le Seit village, east of Mergui, Tenasserim Division, by two soldiers from LIB 552.

141. According to reports, on 8 June 2002 troops from SPDC IB 77 ordered Kya-ka-wa and Ka-toe-hta villages in Kaw-ka-rik Township to relocate to Aung-lan village. It is reported that troops raped **Naw Paw Gay**, the wife of Kya-ka-wa village head, and took away 59 unmarried persons, both male and female.

142. Private Ye Myint, from the Markrawshe base of LIB 428, led by Major Myint Thein, assaulted a girl named **Su Mar**, aged 18, from Markrawshe, while she was on her way to the water supply source on 15 July 2002. A schoolteacher allegedly witnessed the incident and tried to stop the soldier, but three other soldiers reportedly appeared and assaulted the schoolteacher. According to reports, the girl's parents and the village chief brought the case to the LIB No. 428 Commander for justice the next morning, but no legal action is said to have been taken.

143. On 22 July 2002, Thein Naing (Private ID No. 176399) and the three other soldiers from IB 62, based in Thanbyuzayat town reportedly shot and killed **five Mon villagers** in Thanbyuzayat Township, Mon State, southern Myanmar, after allegedly raping 16-year-old **Mi Eat-Sar**. The incident reportedly took place while Daw Aung San Suu Kyi was visiting Mon State. Upon arrival in Galen-Padaw village, the soldiers allegedly entered the house of the village headman, Nai Kun Tit, and reportedly raped his granddaughter Mi Eat Sar. Nai Kun Tit reportedly woke up while the soldiers were raping the girl. He tried to help her but was shot. It is reported that Mi Eat Sar and other members of her family were then executed.

144. **Maw Lee Meh**, a 17-year old Karenni girl, was reportedly raped on 25 August 2002 by a private Myint Lwin from SPDC LIB 530 in her house at about 12 p.m., in Daw Tamagyi village, Dee Maw So Township, Kayah State. According to reports, the parents reported the case to the responsible company commander, Major Myint Soe, but he allegedly dismissed the incident and threatened the parents.

145. By a letter dated 5 November 2002, the Government responded to the communication sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture on 1 October 2002. The Government reported that the allegations of sexual violence against women by members of the Myanmar armed forces in the Shan State are fabricated by an organization allegedly affiliated with an insurgent group.

146. The Government indicated that rape carries a maximum sentence of life imprisonment under article 376 of the Myanmar Penal Code, and reported that it has sent five investigative teams, led by National Intelligence Bureau head, Brigadier-General Than Tun, to the areas where the crimes allegedly took place. Twenty-four smaller inquiry groups were reportedly organized to carry out detailed investigations. These teams reportedly interrogated many civilians and armed forces members and officers in Shan State. In addition, the Government reported that it has extended invitations to the International Committee of the Red Cross, the United Nations and the Humanitarian Dialogue Center to visit the Shan State and report on the humanitarian situation and allegations of rape. The ICRC has reportedly accepted the invitation and began its study on 2 November 2002.

147. By letters dated 6 and 20 December, the Government transmitted additional information regarding the letter of allegation dated 1 October 2002. It reported that: 32 of the allegations sent by the Special Rapporteurs included names of military officers not serving in the specified battalions; some of the villages mentioned are non-existent; and the battalions mentioned were not operating in the areas where the incidents took place at the specified times. The Government also provided information about the incident that allegedly took place on 22 July 2002 in the Mon State. According to the Government, Private Thein Tan, not private Thein Naing, shot and killed five members of a family, including U Kun Kyit, in their home without the involvement of other armed force members. Afterwards, he reportedly committed suicide. The Government stated that post mortem reports found that Ma Thuzar and Daw Kun May had not been raped. It added that the case was put to trial and that actions were taken against army personnel responsible for Private Thein Tan.

Nigeria

148. By a letter dated 26 March 2002, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture on behalf of **Amina Lawal**. According to information received, she was sentenced to death by stoning on 22 March 2002 by a Shariah court at Bakori in the Katsina State, after she confessed to having had a child while divorced. The man named as the father of her baby reportedly denied having sex with her and the charges against him were allegedly discontinued. It has been brought to the Special Rapporteur's attention that in the northern Nigerian states that apply Shariah law, pregnancy outside of marriage constitutes sufficient evidence to enable a woman to be convicted of adultery. Under the applicable

procedural rules, Amina Lawal has reportedly 30 days in which to appeal her sentence. In this context, the Special Rapporteur reminded the Government that this most recent sentence of death by stoning for alleged adultery was handed down three days before a Shariah court in Sokoto State upheld the appeal by 35-year-old Safiya Husseini Tungar Tudu who had also been convicted of adultery and sentenced to death by stoning.

149. By a letter dated 20 August 2002, the Special Rapporteur sent another joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture on behalf of Amina Lawal. On 19 August 2002, the Islamic court of appeals in Funtua, Katsina State, reportedly upheld the original sentence of stoning to death against Ms. Lawal. According to information received, the sentence is to be carried out in January 2004 after her eight-month-old daughter has been weaned. Advocates for Amina Lawal, including the federal Government's minister for women's affairs, have reportedly declared their intent to appeal the sentence to the Supreme Court in Abuja within 30 days.

Pakistan

150. By a letter dated 12 July 2002, the Special Rapporteur advised the Government that she had received information on the following individual cases.

151. **Mukhtaran Mai Bibi**, aged 18, was reportedly gang-raped by four men, including one tribal council member, as a tribal punishment on 22 June 2002 in Meerwala Village in Southern Punjab province. A tribal council allegedly ordered the rape as punishment for the victim's family after her 11-year-old-brother was seen alone with a girl from the Mastoi tribe, considered higher caste. Members of the Mastoi tribe and the tribal council reportedly threatened that all the women of the accused boy's family would be raped if the verdict was not accepted. It is also reported that the rape took place in a hut, while Mastoi tribe members allegedly stood outside and cheered. After the rape, the woman was reportedly driven through the streets of her village naked. Local police allegedly agreed to register a complaint by the girl's father only upon the insistence of a delegation of lawyers seven days after the offence took place. According to information received, the rape was condemned by the Chief Justice of Pakistan, and the Punjab Governor Khalid Maqbool Ahmed reportedly ordered an official inquiry into the crime and the alleged police cover-up attempt. According to information received on 11 July 2002, four of the alleged six perpetrators had been arrested. It is also reported that the rape occurred a week after a similar case in which a girl allegedly committed suicide after being raped by two tribesmen. No action has reportedly been taken by the authorities in this earlier case.

152. **Shakeela Siddique**, aged 16, from Fatewa village in Gujranwala district, was reportedly raped at gunpoint by her 40-year-old landlord and employer, Mohammad Azam, in February 2002. Mohammad Azam allegedly threatened to kill Shakeela and her family if she reported the crime. Shakeela reportedly left her job but did not report the incident until she discovered she was pregnant two months later. Her father, Siddique Masih, is reported to have attempted to confront Mohammad Azam about the incident, but was allegedly badly beaten. According to information received, the police have been reluctant to register or investigate the crime due to Mohammad Azam's standing as an influential landlord in the area.

153. **Naira Nadia Masih**, aged 14, was reportedly kidnapped on the night of 11 February 2001 and allegedly gang raped by Maqsood Ahmed Sheikh and other militant Muslims as punishment for sharing her Christian faith with school friends. According to reports, the perpetrators forcibly converted the girl to Islam to absolve their crime and sent a certificate of conversion to her parents. It is reported that local police initially refused to register her family's complaint, and once the case reached the Lahore High Court, a justice allegedly ruled in favour of the abductor, despite concrete evidence in favour of the victim. The girl's family has reportedly appealed to the Supreme Court, but is waiting for a hearing date. Naira Nadia is still reported missing and her family is said to be receiving threats from local Muslims to withdraw the appeal.

Spain

154. El 25 de septiembre de 2002, la Relatora Especial transmitió una comunicación conjunta con el Relator Especial sobre la cuestión de la tortura en la que se comunicó al Gobierno que los Relatores recibieron información sobre los casos individuales siguientes.

155. **Lierni Armendáriz González de Langarika** habría sido detenida en Barcelona el 11 de enero de 2001 por la Policía Municipal y seguidamente entregada a la Policía Nacional. Habría permanecido cinco días en régimen de incomunicación durante los cuales habría sido repetidamente sometida a empujones contra una pared, tirones de pelo, bofetadas y golpes en la cabeza. Habría sido obligada a ponerse de cuclillas y a caminar en esta postura. Los policías le habrían apretado las orejas con los dedos, obligándola a ponerse de puntillas. A continuación habrían hecho lo mismo apretando debajo de la mandíbula. Un policía le habría levantado la camiseta, tocándole el pecho y diciéndole que quería estar a solas con ella. Una denuncia habría sido interpuesta ante el Juzgado de Instrucción N°1 de Donostia.

156. **Miren Okariz** habría sido detenida el 25 de febrero de 2001 por la Guardia Civil entre Orereta y Tolosa, conducida al Cuartel de la Guardia civil de Intxaurrondo, Donostia, y posteriormente trasferida a la Dirección General de la Guardia Civil en Madrid. Durante los interrogatorios habría sido golpeada y obligada a permanecer de pie de cara a la pared. Habría sido obligada a bajarse los pantalones mientras un policía le habría tocado el cuerpo con un palo. Habría sido forzada a realizar flexiones hasta la extenuación. Habría sido puesta en libertad el 28 de febrero de 2001 sin haber pasado ante un juez. Durante los cuatro días de su detención habría sido mantenida incomunicada.

157. **Leire Gallastegi** habría sido detenida por la Guardia Civil el 26 de febrero de 2001 en Donostia, conducida al Cuartel de la Guardia Civil de Intxaurrondo, Donostia, y posteriormente transferida a la Dirección General de la Guardia Civil en Madrid. Durante los interrogatorios habría sido golpeada, sujeta a empujones contra una pared y a amenazas contra su madre. Habría sido desnudada en varias ocasiones de cintura para arriba. Un agente la habría llevado a una celda donde le habría tocado los pechos mientras le habría obligado a poner sus manos en sus genitales. Le habrían introducido una pistola en la boca y la habrían obligado a correr por un pasadillo mientras la apuntaban con una pistola. Habría sido mantenida en régimen de incomunicación durante cuatro días. Una denuncia habría sido interpuesta ante el Juzgado de Instrucción N°1 de Donostia.

158. **Alicia Sáez** de la Cuesta Martínez de San Vicente habría sido detenida por la Guardia Civil el 26 de marzo de 2001 en La Coruña y conducida a la Dirección General de la Guardia Civil, en Madrid. Habría sido introducida en una furgoneta donde una Guardia Civil le habría sujetado las piernas y otro la cabeza. En la furgoneta le habrían tapado la cara, atado las manos detrás de la espalda y propinado golpizas. Se alega que los guardias civiles habrían hecho comentarios sobre su cuerpo mientras la habrían toqueteado. La habrían cambiado de coche y en el nuevo vehículo habría sido sometida a golpes y su cabeza habría sido cubierta por una bolsa que le habría impedido respirar. Habría sido golpeada y obligada a realizar ejercicios físicos hasta la extenuación. En particular, habría sido obligada a apoyar las manos en la pared y estirar el cuerpo hasta quedar apoyada en las puntas de los pies hasta el agotamiento de los brazos. Más tarde, habría sido forzada a desnudarse y a sentarse con las manos y los pies atados por detrás. En esta situación habría sido golpeada, le habrían gritado fuertemente en el oído y le habrían tapado la cabeza con bolsas, provocándole asfixia. Habría sido mantenida en régimen de incomunicación durante cinco días . Una denuncia habría sido interpuesta.

159. **Ainara Fresneda Etxebarria** habría sido detenida por la Guardia Civil el 27 de marzo de 2001 en Behobia, conducida a la Comandancia de la Guardia Civil en Iruñea y seguidamente trasladada a la Dirección General de la Guardia Civil, en Madrid. Durante el trayecto habría llevado un antifaz y habría sido constantemente golpeada en la cabeza. En Madrid una bolsa habría sido colocada en su cabeza varias veces, impidiéndole respirar. Habría sido obligada a desnudarse y a realizar flexiones, y habrían arrojado agua sobre su cuerpo. Habría sido golpeada en la cabeza. Más tarde la habrían desnudado de cintura para arriba y le habrían tocado los pechos. Habría sido conducida a un calabozo donde habría tenido que permanecer de pie y con la cabeza cubierta con una bolsa. Habría recibido amenazas en relación con su familia y con ser violada. Habrían puesto un preservativo al palo de una escoba y la habrían obligado a tocarlo con la mano, amenazándola con penetrarla con el palo. Habría sido obligada a realizar flexiones en bragas y al caerse al suelo, la habrían levantado estirándole del pelo. Habría sido mantenida en régimen de incomunicación durante cuatro días. Una denuncia habría sido interpuesta ante el Juzgado de Instrucción N°1 de Iruñea.

160. **Nerea Bengoa Ziarsolo** habría sido detenida por la Guardia Civil el 24 de agosto de 2001 en Barcelona y conducida a la Dirección General de la Guardia Civil, en Madrid. Habría sido golpeada en la cabeza, que habría sido cubierta con varias bolsas. Habría sido puesta cara a la pared mientras unos agentes le habrían dado patadas por detrás. Le habrían atado las manos y las piernas con gomaespuma y cinta adhesiva. Más tarde la habrían obligado a desnudarse y habría sido sometida a tratos similares. Los agentes le habrían tocado los pechos con las manos y con un palo. En otra ocasión habría sido nuevamente obligada a desnudarse y la habrían tumbado sobre una mesa con las piernas separadas y habría sido sometida a tocamientos por parte de los agentes. Habría sido mantenida en régimen de incomunicación durante cinco días. Una denuncia habría sido interpuesta ante el Juzgado de Instrucción N°2 de Donostia.

161. **Leire Markina** habría sido detenida por la Guardia Civil el 29 de noviembre de 2001 en Iruñea y seguidamente trasladada a la Dirección General de la Guardia Civil, en Madrid. Durante el trayecto habría sido golpeada y le habrían tirado del pelo. En Madrid habría sido sometida a interrogatorios durante los cuales habría recibido golpes en la cabeza y le habrían cubierto la cara con una bolsa, impidiéndole respirar. En otra ocasión habría sido desnudada y tras amenazarla con violarla, un agente se habría bajado la bragueta y habría empezado a tocarla.

Estando desnuda y con una bolsa en la cabeza, habría tenido que realizar flexiones. Habría sido mantenida en régimen de incomunicación durante cinco días y puesta en libertad el 28 de diciembre de 2001, tras abonar una fianza.

162. Por carta de 15 de noviembre de 2002, el Gobierno proporcionó información sobre los siguientes casos individuales.

163. En relación con **Lierni Armendáriz González De Langarika**, el Gobierno informó que ésta fue detenida el 11 de enero de 2001 junto con José Ignacio Cruchaga Elezcano por una patrulla uniformada de la Guardia Urbana de Barcelona, cuando se disponían a colocar un coche bomba. Según consta en la declaración de los agentes actuantes, cuando los dos detenidos estaban fuera del coche robado en el que circulaban, intentaron huir por lo que los agentes tuvieron que proceder a reducirles por la fuerza. Una vez inmovilizados y esposados se les cacheó y se les informó verbalmente, en el lugar de la detención, de sus derechos constitucionales. Los detenidos fueron trasladados a las dependencias de la Jefatura Superior de Policía de Barcelona, donde se materializó formalmente el Acta de Información de Derechos que se adjuntó al cuerpo de diligencia. El 11 de enero de 2001, Lierni Armendáriz González de Langarika fue visitada por el médico forense del juzgado en funciones de guardia de los de Barcelona, reflejando en el parte facultativo "exploración física: normal" y "presenta unas erosiones recientes en la cara anterior de la muñeca derecha y erosiones en la cara anterior de ambas rodillas de carácter leve; no presenta contusiones ni erosiones en el resto de la superficie corporal", consecuencia lógica de la resistencia a la detención y de la colocación de grilletes.

164. En relación con el caso de **Miren Okariz (María Purificación Ocariz Dorronsoro)** y de **Leire Gallastegui Ormazabal**, detenidas por la Guardia Civil el 24 de febrero de 2001 por su presunta pertenencia a la banda terrorista ETA, el Gobierno informó que el trato que éstas recibieron durante el tiempo que permanecieron detenidas y bajo la custodia de la Guardia Civil fue correcto.

165. En relación con **Alicia Lucía Sáez de La Cuesta Martínez San Vicente**, el Gobierno informó que ésta fue detenida por la Guardia Civil el 26 de marzo de 2001 por su presunta pertenencia a la banda terrorista ETA. El Gobierno indicó que se instruyeron diligencias y que la arriba mencionada pasó a disposición del Juzgado Central de Instrucción N° 1 de Madrid el día 30, en donde se siguen diligencias previas. Asimismo, la autoridad judicial acordó su ingreso en prisión, situación que se mantiene en la actualidad. Finalmente, el Gobierno señaló que el trato que la detenida recibió durante todo el tiempo que permaneció detenida y bajo la custodia de la Guardia Civil, fue correcto. Alicia Lucía Sáez de La Cuesta Martínez San Vicente interpuso una denuncia en el Juzgado de Instrucción N° 6 de Madrid, encontrándose el procedimiento en fase de instrucción.

166. En relación con **Ainara Fresneda Echevarría**, el Gobierno informó que ésta fue detenida por la Guardia Civil el 27 de marzo de 2001 por su presunta pertenencia a la banda terrorista ETA. El Gobierno indicó que se instruyeron diligencias y que Ainara Fresneda Echevarría pasó a disposición del Juzgado Central de Instrucción N° 2 de Madrid el día 30. Se añadió igualmente, que el trato que recibió la arriba mencionada durante la detención y custodia de la Guardia Civil fue correcto y que no hay constancia de interposición de denuncia alguna contra los componentes de la Guardia Civil por estos hechos.

167. En relación con **Nerea Bengoa Ciarsolo**, el Gobierno informó que ésta fue detenida por la Guardia Civil el 24 de agosto de 2001 por su presunta colaboración con la banda terrorista ETA. En relación con este caso se instruyeron diligencias entregadas en el Juzgado Central de Instrucción N° 5 de la Audiencia Nacional, dando lugar a diligencias previas. Igualmente, el Gobierno indicó que durante el tiempo que duró la detención no acaeció hecho alguno que pudiera considerarse como una incidencia fuera de las acciones íntegramente procesales y que, a través de autos del referido Juzgado Central, se decretó la incomunicación y prórroga del período de detención de la arriba mencionada. Los días 24, 25, 26 y 27 de agosto le fueron practicados reconocimientos medicoforenses, negándose a ingerir con regularidad la comida que se le suministró desde el momento de su detención. El 28 de agosto de 2001 pasó a disposición judicial, no constando denuncia alguna contra componentes de la Guardia Civil por los hechos mencionados.

168. En relación con **Leire Marquina Rey**, el Gobierno informó que ésta fue detenida por la Guardia Civil el 29 de noviembre de 2001 por su presunta pertenencia a la banda terrorista ETA. El Gobierno indicó que se instruyeron diligencias y que pasó a disposición judicial el 4 de diciembre, habiéndosele dispensado un trato correcto durante todo el tiempo que permaneció detenida y bajo la custodia de la Guardia Civil. La arriba mencionada interpuso, por un supuesto delito de torturas o malos tratos, una denuncia ante el Juzgado de Instrucción N° 8 de Madrid.

Sri Lanka

169. By a letter dated 16 September 2002, sent jointly with the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions, the Special Rapporteur on violence against women advised the Government that she had received information on the following individual cases.

170. **Jeyanthi Veerasingham**, aged 25, was reportedly raped and killed while in custody, in an army detachment at Sanasa transit camp, on 17 February 2001. According to the reports, Jeyanthi Veerasingham entered Vavuniya from the Liberation Tigers of Tamil Eelam (LTTE)-controlled Vanni Region, on 16 February 2001. On the following day, she was allegedly summoned to an army detachment at Sanasa transit camp for an inquiry. A few hours after she went to the Sanasa transit camp, the army reportedly handed over her body to Vavuniya hospital, claiming that she had committed suicide by swallowing cyanide. The magistrate inspected her body at the Vavuniya hospital mortuary, and reportedly instructed the police to conduct further investigation related to her death to clarify whether she had been tortured or sexually assaulted while being interrogated by army personnel at Sanasa army transit camp and the Brigade Headquarters camp. The magistrate reportedly also instructed the judicial medical officer (JMO) of Vavuniya hospital to hold a post-mortem examination on the body of the deceased to find out whether she had been sexually assaulted while in custody.

171. **S. Umadevi**, aged 23, from Nawalapitiya, Imbulpitiya Estate, was reportedly abducted, raped and murdered on 12 September 2001 at Kopiwatte, Mallanda in Nawalapitiya on her way home after attending her typing class in Nawalapitiya Town. Her parents are said to have filed a case with the Nawalapitiya Police on the morning of 13 September, after exhausting all of their own enquiries as to her whereabouts. When her father went to the police station to record the complaint, the woman police constable was said to have been abusive and not willing to accept

their complaint. The same evening, her father was said to have heard that the corpse of a young woman had been found in the shrubs near the Malkanda bridge. He reportedly went to the spot and identified the body as that of his daughter. The father is said to have informed the police at Nawalapitiya and gave the name of one particular person whom he suspects could have been the perpetrator of this crime, but the police reportedly have not shown any concern about this case and have so far failed to arrest any suspects, or to visit the home of the victim.

172. **Sarathambal Saravanabhavanantha Kurukkal**, aged 29, was allegedly dragged out of her home in Pungudutivu, Jaffna district, by unidentified gunmen dressed in black uniform, gang-raped and murdered, on 28 December 1999. According to the reports, the body of the victim was found the next morning under some bushes near Kannaki Amman Temple, situated just 20 metres away from her house. The medical report of JMO in Colombo states that the injuries and marks found on the body of the victim were consistent with rape and murder. Jaffna Acting Magistrate reportedly read out the JMO's report in open court on 8 January 2000. In June 2001, the National Human Rights Commission which had investigated the rape and murder of Sarathambaal Saravanabhavanantha Kurukkal, was reported to have decided to close the file for lack of evidence. (The Special Rapporteur previously intervened on behalf of the above-named person on 14 March 2000.)

173. By a letter dated 16 September 2002, sent jointly with the Special Rapporteur on the question of torture, the Special Rapporteur advised the Government that she had received information on the following individual cases.

174. **Herat Pathirannehelage Nandani Sriyalatha**, aged 39, was reportedly arrested by four plainclothes police officers from Wariapola at around 6 p.m. on 8 March 2002 at her home. An officer allegedly examined her sister's identity card and then stated that they would have to take a statement from her, without answering in relation to what. They reportedly took Herat into a car without letting her dress. She was reportedly still wrapped in a bathing towel. The police reportedly stopped her mother from accompanying her. At the Wariapola police station, she was made to wait on a bench. At around 8.30 p.m., three police officers arrived who were reportedly very drunk. One reportedly beat her with a pole until her left arm became lifeless, and she was close to fainting. Another officer is said to have removed her clothes by force. She was allegedly struck from behind, and an officer inserted a pipe-like object into her vagina, whilst another kept her mouth shut with his hand. The third officer reportedly watched. As a result, she is said to have bled heavily from her vagina and felt a sharp pain. She reportedly fell asleep feeling extremely ill, and reportedly vomited around 5.30 a.m. When she asked the officer in charge for medicine, he reportedly hit and insulted her. Later, she reportedly went to his room again to ask why she had been arrested. She was allegedly told that she no longer had a house to go to. The officer in charge reportedly beat her again at 10.30 a.m., after which she felt sick and semi-conscious. The officer in charge for the crime section reportedly asked that she not be beaten. The following night, she was given some tea and very little food. The next morning, she was reportedly taken to the Crimes Section where she was told to sign a statement which she had not read. When she hesitated, a female police officer kicked her hard from behind. Due to the pain and hunger, she then signed the statement. At 12.30 p.m., she was taken to Wariapola court. At court, Herat Pathirannehelage Nandani Sriyalatha reportedly told the magistrate what had happened to her who is said to have issued an order stating that "while the police have the right to arrest an accused and investigate and take a statement from him about the relevant

happenings, the police have no power to inhumanely assault anyone". She reportedly ordered the Deputy Inspector General to investigate the case and to submit a complete report to her. She furthermore advised the registrar of the court to send a copy of the order to the deputy inspector general of police. Herat Pathirannehelage Nandani Sriyalatha was reportedly taken to Wariapola hospital, where she informed a doctor about her condition. Two police officers were present all the time. She was subsequently handed over to the Kurunegala prison. On 10 March, she was reportedly again taken to hospital, after making a complaint to a prison warden. Mid-March she was reportedly taken to hospital for visit again, and examined in the orthopaedic section of the hospital. According to information received, the inquiry ordered by the magistrate had not taken place at the time of writing. Furthermore, Nandani Herat has reportedly not had a full proper medical examination, and is said not to be receiving proper medical treatment in prison. Her father has reportedly been severely threatened by the local police and higher officers not to pursue the complaint.

175. **Thambipillai Thanalakshmi**, aged 42, from Meesalai, Jaffna district, was allegedly raped in her house at Meesalai by soldiers from the Sri Lankan army on 7 July 2001. Thambipillai Thanalakshmi's mother reportedly tried to intervene after hearing her daughter screaming, but was assaulted and hit with rifles by the soldiers. Thambipillai Thanalakshmi and her mother had been displaced from their home and had returned to resettle, only two months before the incident. They reportedly lodged a complaint about the rape with police in Kodikamam. According to the military spokesman, two soldiers at a nearby army checkpoint were involved in the rape. He reported that they had been arrested by the military police on 12 July 2001.

176. **Velu Arshadevi**, a Tamil woman of Indian origin, who was living in a boarding house in downtown Colombo, was allegedly raped by three policemen on 24 June 2001. She was reportedly stopped at a checkpoint on the Maradana-Borella Road, Colombo, on 23 June 2001 when returning from work with a friend. Her identity was checked by the security forces personnel on duty at the checkpoint. The next day, on 24 June 2001 around 3 a.m., two police officers without weapons and an armed soldier attached to that checkpoint reportedly came to the lodgings where the victim was staying. They said they had come for a "routine checking". After interrogating all the persons staying at that place, they reportedly went to her room and told her that "since she was a Tamil, she was not allowed to stay there". She was then allegedly told that she had to go with them to the Maradana police station. The friend who had also been staying at the same place accompanied her for safety reasons. While en route to the police station, they stopped at the Maradana-Borella Road checkpoint. Her friend was reportedly told to purchase some tea for the security forces and sent away. After he had gone, two police personnel are said to have taken her to a staircase situated next to a bunker below road level. She was reportedly made to lean against the wall and then raped. Velu Arshadevi was admitted to a hospital for a medical examination. Three police officers were reportedly arrested in connection with this crime.

177. **Mahendiran Nageswari**, aged 37, from Kaluthawalai, was reportedly sexually abused by STF personnel attached to the STF camp at Kaluthawalai in April 2001. It is alleged that the STF personnel went to her house and harassed her with the intention of molesting her. She was later admitted to the Batticaloa teaching hospital. According to the hospital police post, this matter was reported to the Kaluwanchikudy police station for further inquiries.

178. **Vijayaratnam Subashini**, aged 19, was reportedly sexually assaulted by more than 10 Navy personnel, on 20 April 2001. According to the reports, Vijayaratnam Subashini was on an LTTE boat returning from the open sea when several Sri Lanka Navy gunboats surrounded them. There reportedly was fierce fighting for several hours. Vijayaratnam Subashini and many others allegedly jumped into the sea, after their boats were damaged, and then she was taken into the gunboat of Sri Lankan Navy. Immediately after she got in the gunboat, all her clothes were reportedly removed, she was blindfolded and her hands were tied behind her back. More than 10 Navy personnel are said to have touched and squeezed her breasts, and her genital area. They allegedly also one by one put their fingers inside her vagina, while she was screaming. The incident lasted about two hours. When the boat reached Trincomalee her clothes were given to her. She was later said to have been detained in Vavuniya army camp.

179. **Thangiah Vijayalalitha**, aged 14, was sexually assaulted by more then 10 Navy personnel on 20 April 2001 when she was taken into custody during an LTTE operation in the open sea (see also above case of Vijayaratnam Subashini). Reportedly, Thangiah Vijayalalitha was taken into the gunboat of Sri Lankan Navy and her skirt and bra were removed. When the boat reached Trincomalee her clothes were given to her. It is reported that she was later detained in Vavuniya army camp.

180. **Sivamany Archunan**, aged 24, and **Wijikala Nanthakumar**, aged 22, were arrested by members of the navy accompanied by members of the Special Investigation Unit (SIU) of the police in Mannar on 19 March 2001. They were allegedly raped by navy and SIU personnel at the office of the Counter-Subversive Unit (CSU) of the police along Palimunai Road, approximately 500 metres outside Mannar town. Sivamany Archunan and Wijikala Nanthakumar had both been displaced due to the conflict in the north and east. According to the reports, Wijikala Nanthakumar's husband and the 5-year-old son of Sivamani Archunan were also taken into custody. They were all taken to the CSU office in a white van. Wijikala Nanthakumar and her husband were reportedly taken to the CSU office. After her husband was locked in a cell, she was taken into a room in which the OIC was also present. He reportedly asked her to sit on the floor, and then asked another person to bring a piece of cloth and to blindfold her. She was allegedly asked to remove her clothes. When she refused she was said to have been beaten up and stripped. While they held her hands and legs two men raped her. Later they reportedly tied her hands and hung her on a crossbar which was placed between two tables. Soon after Wijikala Nandakumar and her husband had been taken away into the CSU office, Sivamany Archunan's son was reportedly taken away by a navy officer. Sivamany Archunan was reportedly subsequently blindfolded, and raped. She was said to have been taken to the room in which Wijikala Nandakumar was being held and they allegedly beat her demanding that she remove her clothes. As she could not bear the pain she removed her clothes. She was hung on a cross bar between two tables with her hand and legs tied. The two women were then threatened with further torture and were forced to sign a statement admitting they were members of the LTTE. The initial medical examination by the JMO Mannar allegedly did not confirm rape as both victims had refused to be examined reportedly as a result of threats from the CSU officers taking them to hospital. Later examinations by the JMO Mannar and the JMO Colombo reportedly did confirm that they had

been raped. After widespread protests, an investigation by the Criminal Investigation Department from Colombo was ordered. A Mannar magistrate hearing is said to have taken place on 3 April 2001.

181. **Yogalingam Vijitha**, a 27-year-old woman from Kayts, Jaffna district, was allegedly raped whilst in detention in the Negombo police station, between 21 and 27 June 2000. According to the reports, she was beaten with poles on her knees, back, chest and the lower abdomen, and trampled on with boots. She was reportedly forced to lie on a table and pins were inserted under the nails of her fingers and toes, and she was slapped on her ears. On another occasion all her clothing, except her underwear, was reportedly removed and her face was covered with a polythene bag filled with chili powder and petrol. Then she was asked to sign a statement written in Sinhalese, but when she refused, a plantain tree flower sprinkled with chili powder was allegedly inserted into her vagina, as a result of which she fainted after about 15 minutes. Yogalingam Vijitha was reportedly produced in the Colombo Chief Magistrate Court on 21 July 2000, and the magistrate is said to have ordered that she be examined by the JMO, Colombo North. The medical report reportedly confirmed that there were "many scars on her limbs and torso" and that she was suffering from post-traumatic stress disorder and depression (JMO report dated 14 February 2001). A fundamental rights petition was reportedly filed in March 2001 and continues to be heard. In the meantime, Yogalingam Vijitha was reportedly unconditionally released on 26 April 2001.

182. **A mother of two children** was reportedly raped by a STF commando at Cheddipaalayam in Batticaloa district, on 5 February 2001. According to the reports, the woman was collecting firewood when she was raped by a member of the STF. It is alleged that he threatened to kill her, if she complained to anyone. She was reportedly admitted to Batticaloa Hospital. The suspect who is said to be attached to Cheddipaalayam STF camp, whose name is known to the Special Rapporteur, was reportedly arrested by the police and produced before the Batticaloa District Judge.

183. **Velmurugu Thanalauxmi**, aged 46, her daughter **Velmurugu Thangeswaray**, aged 26, and another woman, **Thamotharam Yokampikai**, aged 36, were reportedly raped by Sri Lanka Army (SLA) soldiers, who were on duty at a checkpoint in Vembu, about 30 kilometres north of Batticaloa on 10 August 2000. According to the reports, soldiers under the influence of alcohol had entered the houses and raped them. The men in their houses were assaulted by the soldiers. It was alleged that the soldiers were attached to the Kumburumoolai army camp. One of the victims made a complaint to the officer in charge of the camp.

184. A woman, aged 33, was reportedly taken into custody by the officers of Negombo CID on 27 June 2000, and ill-treated for two days. According to the reports, she was taken into custody related to the inquiry about her National Identity Card and then sent to the Negombo CID office. The next day she was reportedly beaten with the rear of the chair, and was threatened that they would put chili powder into her vagina. On 30 June 2000, some drunken male police officers are said to have gone to her cell and forced her to remove all her clothes. Following this, she fainted and when she regained consciousness, she had been admitted in the Negombo hospital. She also testified that the police had put chili powder into another detainee's vagina in her presence.

185. **Poomany Saravanai**, aged 70, from Karanthan, Neervely West, Jaffna, was reportedly raped by two Sri Lanka Army service personnel on 31 May 2000. According to the reports, two army officers held Poomany Saravanai by her neck, dragged her on to the road and molested her, while the other man held her son at gunpoint and pushed him into a room of nearby house and severely beat him. Poomany Saravanai was allegedly subsequently dragged to the same room and raped in front of her 32-year-old son. The perpetrators also allegedly stole some money and jewellery from her. Poomany Saravanai is said to have made a complaint to the National Human Rights Commission and to have identified the perpetrators. It is not known whether any action has been taken by the authorities in response to her complaint.

186. By a letter dated 16 December 2002, the Government transmitted the following observations regarding six of the allegations referred to in the joint communication dated 16 September 2002.

187. According to the Government, **Ms. Thambipillai Thanalakshmi** filed a complaint that she had been raped on 7 July 2001, and the following police investigation found evidence of rape. The Government added that two suspects who were on duty at a nearby checkpoint were arrested, but the victim was unable to identify them in an identification parade. The suspects remain in custody the Attorney-General's Department has been asked to provide advice in how to proceed.

188. The Government reported that the Special Task Force Member accused of raping **Mahendran Nageshwari** has been charged and the case is proceeding.

189. **Vijavaratnam Subashini** and **Thangaiah Vijavalalitha** were arrested by the Sri Lankan Navy on 20 April 2001, and then released on bail on 13 June 2002. According to the Government, the District Secretary has been requested to check their presence at their given addresses in view of recording their statements to initiate an investigation.

190. According to the Government, an investigation was conducted into the allegation that naval personnel and police officers had tortured and raped **Ehambaram Vijayakala** and **Sinnathamby Sivamani** (**Sivamany Archunan** and **Wijikala Nanthakumar**), and statements of the alleged victims were recorded. The Government reported that 14 suspects, including 2 navy personnel and 12 police officers, were produced before the magistrate court, and indictments were being prepared by the Attorney-General.

191. The Government reported that **Yogalingam Vijitha** was arrested and detained for suspected terrorist activities, and later released on bail. It stated that she is not reachable at her given address and is thought to have gone abroad. According to the Government, the Supreme Court, in the meantime, ruled that her constitutional rights had been violated and granted her compensation of Rs 250,000. The Government added that the Attorney-General has been directed to pursue the possibility of criminal prosecution against those responsible for violating her rights.

192. Also by letter dated 16 December 2002, the Government responded regarding the case of **Sarathambal Saravanabavananthakurukkal**. According to the Government, the investigation into the alleged rape and murder of the victim began on 5 January 2000. The investigation

revealed that only two army personnel left the camp after a regimental party at which alcohol was consumed. The Government states that a medical report indicates that the victim was raped prior to being strangled to death, but that the investigation has not yet been able to positively identify the perpetrators of the crime. In August 2002 the Attorney-General's Department reportedly advised that a criminal prosecution would not take place and that there be no need to continue the investigation unless new information was received.

Follow-up to previously transmitted communications

193. By a letter dated 8 April 2002, the Government responded to the communication dated 30 August 2001 sent jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary and arbitrary executions (see E/CN.4/2002/83/Add.1, paragraphs 119-123). Further to the communication dated 7 December 2001, the Government informed the Special Rapporteur regarding the following cases of alleged rape and murder.

194. The Government reported that the Military Police (CCMP) conducted inquiries into the disappearance of **Velauthapillai Rajani** after her parents reported her missing on 30 September 1996. The Government added that the CCMP identified and questioned a group of army personnel who had questioned the victim at a military checkpoint. The CCMP reportedly elicited information that four army personnel were responsible for the rape, murder and disposal of the body, and six army personnel were subsequently arrested and handed over to the Kankasanthurai Police. The Government stated that, following a criminal investigation and a magisterial inquest into the death of the victim, the Attorney-General advised the police to charge the four main suspects for the rape and murder of the victim. Due to a need to present adequate evidence, the other two suspects were reportedly listed as witnesses. The Government reported that all four accused persons were discharged from the Sri Lankan Army, and they were indicted before the High Court of Colombo. The trial is reportedly pending.

195. According to the Government, the Seranuwara Police began an initial investigation into the alleged killing of **Krishnapillai Thayayothy** after the receipt of information on 8 October 2000. It is reported that the immediate family members of the victim were interviewed, but the Government stated that they did not implicate police or security forces in the murder. A magisterial inquest was reportedly conducted into the death of the victim. However, the Government reported that the magistrate was not able to gain access to the area where the victim is alleged to have been buried because the area was dominated by separatists. Therefore, the magistrate concluded the inquest without exhuming the body of the victim, and a death certificate was issued. The Government advised that the investigation is expected to resume once normalcy is restored in the area, and investigators can proceed to the scene of the crime.

196. By a letter dated 29 April 2002 the Government responded to the letter dated 30 August 2001, sent jointly with the Special Rapporteur on the question of torture (see E/CN.4/2002/83/Add.1, paragraphs 124-132), regarding the following four cases.

197. According to the Government, a criminal investigation began immediately after a complaint was filed on 31 December 1996 regarding the alleged rape of **Sivasothy Krishnapillai** by three persons. The Government reported that the victim was

interviewed, and medically examined. It stated that the initial investigation revealed that the incident took place in a paddy-field in Maringadipuwal, and that three persons named Samarasena Bandusena, E.C. Ajith Kumara and K. Bandula Herman were reportedly arrested in relation to the crime. Following a non-summary inquiry, the Attorney-General indicted all three suspects before the High Court of Batticaloa, where the case remained pending.

198. The Government reported that the alleged rape of **Ramanathan Pillai Lakshmi Pillai** by two persons was reported at the Trincomalee Police Station on 30 August 1993. The Government stated that the victim was interviewed, and a medico-legal report was obtained. Following a criminal investigation, two suspects, Sehu Mohamed Rauff and Nagoor Pitchai Faizal, were reportedly arrested, remanded by the Trincomalee Magistrate and then released on bail. The Government added that while criminal proceedings against the suspects, scheduled for 28 May and 1 August 1996, were pending, both suspects were murdered. The Government explained that given the circumstances, the trial had to be terminated.

199. According to the Government, the Mawanella Police Station received a report on 24 April 1999 that a 13-year-old girl named **Niluka Sandamali** had been raped. The girl was reportedly interviewed, and then examined by a judicial medical officer. The Government stated that a suspect named Priyantha Kusum Kumara was arrested and brought before the Kegalle Magistrate. Following criminal investigations, he was reportedly indicted in the High Court of Kigalle, where he was convicted on his own guilty plea. The Government reported that he was sentenced to 25 years, and ordered to pay compensation to the victim, which he paid on 19 September 2001.

200. Regarding the case of **Sri Balakumar Ajantha**, the Government informed the Special Rapporteur that police inquiries in the Jaffna Peninsula, including both Jaffna and Ariyalai towns, did not reveal the occurrence of an incident involving the above-mentioned person. It indicated that further inquiries could be made if the exact address of the alleged victim was communicated to the Government.

Sudan

201. On 3 December 2002 the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the question of torture, the Special Rapporteur on the situation of human rights in the Sudan and the Special Rapporteur on the independence of judges and lawyers, on behalf of **Zahra Hassan Ali**, **Asma Mohamed Ahmed** and **Zakia Altayeb** who were reportedly facing sentences of 100 lashes for adultery without the possibility of seeking legal advice or appeal. According to reports, they were among 17 women from the village of Munwashi, Western Sudan accused of adultery between 12 and 20 November 2002. The charges were reportedly based on the allegations that they were all unmarried, but have given birth to babies who are now between the ages of 6 and 18 months.

202. Summary trials were reportedly held on 12, 14 and 20 November. **Um Alnas Mohamed Ahmed**, aged 21, **Hanan Abdulrahman Mohamed**, aged 19, **Hagir Mohamed Ahmed**, aged 18, **Nimat Abakr Abdelgadir**, **Rasha Bahr Aldin Adam**, aged 18, **Fatima Abdulla Adam**, aged 20, **Gada Mosa Hamid**, aged 18, **Shamael Omar Fadl**, aged 22,

Hawa Yousif Abdelgadir, aged 18, **Fathia Ahmed Abdulrahman**, aged 18, **Laila Adam Siraj**, aged 20, **Kaltoum Isam Adam**, aged 22, **Rawda Abdelgabar Mohamed**, aged 20, and **Gadah Abdelgabar** were reportedly found guilty of adultery and sentenced to receive 100 lashes. The sentences were allegedly carried out on the same day as the sentencing and it is reported that the women had no opportunity to seek legal advice or to make appeals. Zahra Hassan Ali, Asma Mohamed Ahmed and Zakia Altayeb have reportedly not yet been brought to court. Fears have been expressed that, if taken to court and found guilty, these 3 women would face the same punishment as the other 14 women. No men have reportedly been charged in connection with the incidents.

203. By a letter dated 11 September 2002, sent jointly with the Special Rapporteur on the question of torture, the Special Rapporteur advised the Government that she had received information on the following case: **Alawiya Mohamed Abdullah** from Kad al Haboub, 6 kilometres east of Nyala in Darfour province. It is reported that she was found guilty of adultery and sentenced on 4 June 2002 in accordance with article 146 of the 1991 Penal Code, which allegedly states that whoever commits the offence of adultery shall be punished with: execution by stoning when the offender is married (Muhsan) or 100 lashes when the offender is not married (non-muhsan). The presiding judge in the court, whose name is known to the Special Rapporteur, is believed to have a record of handing down other similar punishments. According to the information received, the sentence was given and executed on the same day without allowing any opportunity for appeal and without any medical checks being carried out, despite the fact that Alawiya had allegedly recently given birth, was breast-feeding, and was generally in a very poor state of health. It is reported that the man involved in the incident of adultery was found not guilty due to lack of evidence against him.

Sweden

204. On 19 April 2002 the Special Rapporteur sent a joint urgent appeal with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture on behalf of **Mahnaz Allayveysi Ghasem**, of Kurdish origin. It is reported that she faces imminent repatriation to the Islamic Republic of Iran, where she allegedly is at risk of torture and other forms of ill-treatment, including honour killing. She reportedly divorced an Iranian citizen living in Germany in 1997 and returned to her family in Mahabad, Iran. There, it is believed that her family refused to let her stay with them and sent her back to Germany. She was allegedly told that she had left them "in white" (to get married) and that she would only come back "in white" (in a shroud). She later tried under a false identity to get refugee status in Sweden. Her application is said to have been rejected in March 1999. She then left to Finland where she lived with a man. It is alleged that her family, in particular her father and an uncle, threatened her by phone with death for living in a non-marital status with a man. According to the information received, she went back to Sweden in November 2001 where she filed a new application for asylum. It is reported that this application has now been rejected and that there is no appeal available. A first attempt to deport her to Iran was made on 17 April 2002, but the captain of the airplane refused to take her on board because of her state of agitation. She was then taken to Karolinska Sjukhuset hospital where she had already been treated for an incurable brain tumour. Medical doctors are believed to have indicated that no operation could be envisaged because of the position of the tumour. Furthermore, they reportedly indicated that further examinations

would be needed in three months' time to decide whether chemotherapy may have an effect on the development of the tumour. She is said to be seriously depressed and to begin to lose contact with her environment because of her brain tumour. According to the information received, the authorities have planned to deport her in April 2002. It is believed that her health condition would make her particularly vulnerable to reprisals by her family if she was sent back to Iran. Finally, it is reported that a case has been filed with the European Court on Human Rights and that a decision is expected soon.

205. By a letter dated 29 April 2002 the Government responded to the letter dated 19 April 2002 sent jointly with the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions regarding **Mahnaz Allahveysi Ghasem**. According to the Government, she applied for asylum under a different name after having entered the country on 14 April 1998. The Migration Board reportedly refused to grant her permission to reside in Sweden and ordered her expulsion. The Government reported that, after the Aliens Appeals Board refused her appeal, she went to Finland, where she also applied for residence and was refused. The Government stated that, in accordance with the Dublin Convention, she was returned to Sweden where she applied once again for a residence permit. According to the Government, the Migration Board decided once again not to grant her residence on 3 December 2001, after considering that the information she had provided in support of her request was unreliable. The Government reported that in her appeal to the Aliens Appeals Board she stated that she suffered from a brain tumour and that, according to Kurdish tradition, her family has a right to stone her because she is a divorcee, and because she had lived with a man out of wedlock. The Government reported that the appeal was refused on 7 February 2002, but that she could file a new application provided that new circumstances were revealed that could render a different conclusion.

206. The Government reported that Mahnaz Allahveysi Ghasem filed a renewed appeal, in which she declared that she feared returning to Iran, that the Iranian State would not be able or willing to protect her and that she did not have the financial means to afford necessary medical treatment in Iran. This appeal was reportedly turned down on 25 March 2002, as well as yet another appeal on 17 April 2002. The Government explained that, according to the Board, the circumstances brought forward could not lead to a new conclusion. According to the Government, the refusal of entry decision in Mahnaz Allahveysi Ghasem's case has gained legal force, but she has filed another application with the Aliens Appeals Board. The Government reported that on 23 April 2002 the Aliens Appeals Board decided to stay the enforcement of the refusal of entry until the Board has made its decision.

207. The Government also explained that, for constitutional reasons, a minister cannot interfere in individual cases handled by the independent immigration authorities. However, the Government stated that the Special Rapporteur's letter had been forwarded to the Director-Generals of both the Migration Board and the Aliens Appeals Board, and to the National Police Commissioner. In addition, the Government reported that a committee has been set up to propose amendments to the Aliens Act in order to make it possible to grant refugee status to persons with a well-founded fear of persecution because of gender or sexual orientation.

Thailand

208. By a letter dated 7 November 2002, the Special Rapporteur sent a joint communication with the Special Rapporteur on the human rights of migrants regarding the case of **Ms. Ma Su**, an 18-year-old Burmese domestic worker. Ma Su was reportedly beaten and burnt alive by three men on 10 July 2002 after she was accused by her employer of stealing a gold chain. It is reported that after being attacked she was abandoned on a roadside in Uthai Thani District. She was reportedly later taken to Uthai Thani Provincial Hospital where she remained in intensive care until she died six days later, on 16 July 2002. According to the information received, doctors diagnosed that 59 per cent of her body, including breast, back and arms was burnt to the third degree.

209. By a letter dated 20 December 2002, the Government responded to the communication dated 7 November 2002, sent jointly with the Special Rapporteur on the human rights of migrants, regarding the case of **Ma Su**. The Government reported that after her death an investigation was opened into the case, and people at the supply store where she worked were questioned, but no evidence was found pointing to the involvement of the store owner in the case. The Government stated that Ma Su's death was a homicide, which is a criminal offence the case is punishable under Thai law regardless of the nationality and gender of the perpetrators or the victims, and that the case is still being investigated.

Togo

210. By a letter dated 10 December 2002, the Special Rapporteur informed the Government that she had received information regarding alleged violence against women in both the private and public spheres of Togolese society. Women and girls reportedly continue to be victims of discrimination, violence, sexual violence and torture. According to information received, such abuses are reportedly often condoned and tolerated by Togolese law and social and cultural practices.

211. Domestic violence is reportedly a serious problem, yet there allegedly exist insufficient channels through which a woman may seek redress and protection from an abusive family member. According to reports, no legislation specifically providing for the prevention and suppression of domestic violence exists in Togolese law, and police and judicial authorities are allegedly insensitive to the needs of victims of abuse and are not trained to follow up on domestic violence complaints. Recent reports also allege that women and girls continue to be victims of violent cultural practices carried out within the family such as forced and premature marriages, dowry disputes, female genital mutilation, and rites regarding widows.

212. According to reports received, the conditions in women's prisons and detention centres fail to meet minimum international standards, and women are reportedly subjected to torture and degrading treatment while in detention. It is alleged that the majority of guards in women's prisons are male and that the prisoners are particularly vulnerable to sexual violence including rape. Allegations have also been received that the police and other officials responsible for such treatment benefit from impunity and from the failure of the Government to criminalize torture and prescribe appropriate sanctions for such acts.

Turkey

213. By a letter dated 11 September 2002, sent jointly with the Special Rapporteur on the question of torture, the Special Rapporteur advised the Government that she had received information on the following cases.

214. **Naif Demirci** was reportedly detained on 20 December 2001 and remanded to Diyarbakir E-Type prison on 24 December 2001. However, he was allegedly returned to gendarmerie custody for 10 days' interrogation under Article 3/c of Legal Decree Number 430. At the end of this period, he was reportedly brought back to prison. While in custody at the gendarmerie, he is believed to have been blindfolded, beaten and subjected to electric shocks, and to have had his testicles squeezed. According to the information received, his wife **Mekiye Demirci** was herself also detained on 21 December 2001 and similarly returned to gendarmerie custody on 26 January 2001 despite an order that she be remanded to prison. She is said to not have been brought to prison for another 10 days. She was also reportedly blindfolded, beaten, sexually abused and subjected to electric shocks. As far as the Special Rapporteurs have been informed, a case has been opened against both Mekiye and Naif Demirci but no investigation has been opened by the authorities into their complaints of torture.

215. **Fehime Ete**, a woman of Kurdish origin, was reportedly taken on 21 October 2001 from her home in Siirt in the south-east of Turkey and brought to the gendarmerie headquarters in Van. It is alleged that, she was remanded to Van prison by the State Security Court on 25 October 2001 on charges of "supporting an illegal organization". A week later, she was reportedly transferred to the women's ward of Bitlis E-type prison with her 5-year-old daughter **Sahadet Ete**. According to the information received, on 25 November 2001 Fehime Ete was transferred - together with her daughter - to gendarmerie headquarters in Diyarbakir for interrogation. The Special Rapporteurs have been informed that this transfer was carried out under Article 3/c of Legal Decree Number 430 despite the fact that neither Van (where she was charged) nor Bitlis (where she was imprisoned) are inside the region under state of emergency. Her lawyer was reportedly not informed of their whereabouts despite repeated inquiries. It is thought that the decree was applied again on 5 December 2001 to keep her in gendarmerie detention for a further 10 days. After Legal Decree 430 was applied to her and while in custody at Diyarbakir gendarmerie headquarters, Fehime Ete was reportedly blindfolded, beaten with truncheons about the head, being stripped naked, sprayed with pressurized water. She reportedly fainted several times and she is believed to now suffer from health problems. Both she and her family are believed to have been threatened that they would suffer torture if she complained about her treatment. Fehime Ete was also allegedly threatened that her daughter would be tortured, who is thought to have heard her mother's screams as she was being tortured. According to information received, after six days at the gendarmerie headquarters, she was taken to stay with another family member. A doctor has reportedly diagnosed Sahadet Ete as suffering from shock and Fehime Ete is said to suffer from shortness of breath and has difficulty moving her arms as a result of the treatment she was allegedly subjected to.

216. **Several young women** were reportedly taken to police headquarters in Izmir after a demonstration on 1 May 2001. It is alleged that at least two of them were taken to a separate room and blindfolded, beaten, stripped naked and sexually abused. It is also believed that both

women were raped by police officers in these separate rooms. According to the information received, the women were released the following day without having seen a prosecutor or a judge.

217. **F.D.F.**, aged 16, who had been detained on 30 June 2001 in Van, was reportedly subjected to a forcible virginity test. According to the information received, she was detained with another 10 people on suspicion that they might join the Kurdish Workers Party (PKK) and taken from Yoldöndü Gendarmerie Station to a hospital in Van without her consent. It is reported that a female doctor subjected her to a virginity test without the necessary permission and that on 3 July 2001 she was taken to Van State Hospital where two male doctors allegedly certified that she was not "raped". The Special Rapporteurs have been informed that these facts may amount to a violation of article 243, Turkish penal code (TPC), and is also in violation of the decree by the Ministry of Justice of 1999 which provides that nobody can be subjected to a forcible test of virginity.

218. **Gülistan Durç**, the head of the women's commission of the legal pro-Kurdish People's Democracy Party (HADEP) in Mardin, was reportedly arrested for the first time in March 1996, when she was only 17 years old. It is alleged that since then she has been taken into custody numerous times for between two and seven days. She is believed to have been stripped naked and blindfolded, beaten, sprayed with cold pressurized water, suspended by her arms, threatened with death, burned with cigarettes and hot wires, and prevented from sleeping by officers from the anti-terror branch while in custody. It is reported that she filed a formal complaint in 1999, but withdrew it when she was arrested again two days later from her home by plainclothes police who threatened her. On 19 December 1999, Gülistan Durç was allegedly arrested by police officers using such force that her arm was broken. She is believed to have filed another formal complaint upon her release. It is reported that under the 1999 Law on the Prosecution of Civil Servants the governor of Mardin refused permission to prosecute a police officer after this complaint and that a court in the nearby city of Diyarbakir rejected her lawyers' appeal against this decision on the grounds that there was not sufficient evidence of ill-treatment, although she had a medical report. According to the information received, she was again arrested in February 2000 and held for two days at Mardin Police Headquarters, where she was beaten on her broken arm which had only just been removed from plaster. It is alleged that the resulting damage and pain were so intense that she was released from prison on medical grounds pending a trial in which she was charged with membership of an illegal organization. Following medical and psychiatric examinations, specialists in Izmir reportedly issued a report in January 2001 which allegedly concluded that she was suffering from post-traumatic stress disorder and had further medical problems which corroborate her reports of torture. As far as the Special Rapporteurs have been informed, none of the suspected perpetrators have been brought to justice.

219. **Seher Durgaç** was reportedly beaten, raped, subjected to electric shocks and pressurized water and threatened when she was held at the Anti-Terror Branch of Diyarbakir Police Headquarters from 13 to 19 June 2001. She is believed to have been subsequently taken to an infirmary but, according to the information received, when the doctor wrote a report confirming her torture allegations, police officers allegedly took her to another doctor who wrote a report stating that she had not been tortured.

220. **Asiye Güzel Zeybek** was reportedly arrested in February 1997 and charged with membership of the Marxist-Leninist Communist Party (MLCP), an organization which has reportedly been made illegal under article 168 of the Penal Code. It is reported that during the first four and a half years of detention, she was repeatedly raped and beaten, in particular during a period of 13 days while she was allegedly being held for interrogation at the Istanbul Security Headquarters. Asiye Güzel Zeybek reportedly filed a complaint against eight police officers. According to the information received, a first hearing against these officers was held in November 1998 but the charges were rejected in October 1999. It is reported that in December 2000 she was among hundreds of detainees who protested against their transfer from the prison in Gebze to new detention centres where detainees are believed to be more likely to be subjected to ill-treatments. As a result of clashes with the police, she allegedly suffered severe injuries that are thought to have resulted in temporary paralysis and to have undermined her health condition. The Special Rapporteurs have been informed that initial trial proceedings against her were only initiated in February 2001 but that they were subsequently adjourned until December 2001.

221. By letters dated 15 October 2002 and 26 December 2002, the Government responded to the urgent appeal dated 11 September 2002 sent jointly with the Special Rapporteur on the question of torture regarding the cases of **Asiye Güzel Zeybek**, **Fehime and Sadiye Ete**, **Naif and Mekiye Demicri**, **Seher Durgaç** and **Gülistan Durç**.

222. In addition to information provided in the communication dated 22 March 2002, the Government reported that **Asiye Güzel Zeybek** was released upon the decision of the relevant court on 5 June 2002.

223. According to the Government, **Fehime Ete** was arrested on 24 October 2001 on grounds of aiding and abetting the PKK, considered a terrorist organization, and was released on 27 March 2002. In her testimony of 21 March 2002 she reportedly stated that she and her daughter Sadiye Ete had not been tortured or ill-treated in Bitlis E-type Prison but that she had been subjected to such treatment while detained in Diyarbakir. The Government stated that an investigation had been initiated into these allegations, but a decision of non-prosecution was given due to lack of evidence. The Government further explained that their medical reports did not indicate ill-treatment or torture.

224. The Government reported that **Naif Demirci** was taken into custody on 21 December 2001 on the grounds of involvement with the PKK, and on 17 January 2002 he alleged that he had been tortured and ill-treated while detained. It stated that his medical reports do not indicate ill-treatment, but that an inquiry by the Public Prosecutor regarding the complaint is under process. The Government reported that no application regarding the ill-treatment or torture of **Mekiye Demirci** has been made to the Public Prosecutor. It also stated that the couple is not under arrest and that their trial is pending.

225. **Seher Durgaç** was reported by the Government to have been held in detention from 16 to 22 June 2001 in Diyarbakir. A lawsuit was reportedly filed against her on 15 August 2001 on the grounds that she was a member of the PKK. The Government stated

that the medical report prepared before her release on 22 June 2001 indicated bruises on her right shoulder, but that she has not filed an application to the public prosecutor regarding allegations of ill-treatment. It further noted that she is not under arrest and that her case is still pending.

226. According to the Government, **Gülistan Durç** obtained a private medical report on 19 January 2001 that found that she had been subjected to ill-treatment while in police custody. The Government reported that she filed a petition and was invited to the Public Prosecutor's office to elaborate on her allegations, however her current address was not known. The investigation was reportedly ongoing, but in the meantime she was convicted of being a member of the PKK, sentenced to prison and is therefore wanted by the police.

Follow-up to previously transmitted communications

227. By a letter dated 22 March 2002, the Government responded to the urgent appeal dated 1 October 2001 sent jointly with the Special Rapporteur on the question of torture regarding the case of Ms. **Asiye Güzel Zeybek**. According to the Government, she was arrested on 6 March 1997 for her reported membership of the MLKP/K organization. The Government reported that she was held in custody from 22 February to 6 March 1997 and that her trial began in 1997. The Government stated that her medical reports of 27 February and 6 March 1997 did not indicate any ill-treatment or torture, and she reportedly did not file a complaint claiming torture. However, the Government reported that during a hearing on 2 October 1998 she said she had been raped and tortured while in custody. The Government further reported that upon the allegations, the Faith Public Prosecutor's Office began an investigation. According to the Government, on 13 December 1999 the Forensic Medicine Institute reported that there was no medical data confirming physical trauma or rape. The Government stated that a report by the Psychiatry Department of Istanbul University found evidence that Ms. Zeybek had undergone a traumatic experience, but that the Forensic Medicine Institute reportedly found that its cause could not be medically established. According to the Government, another witness's testimony was in contradiction with Ms. Zeybek's testimony and a ruling of non-prosecution was given. She reportedly remains in prison and her case is pending. The Government also stated that another investigation revealed that she was not ill-treated in prison in December 2000.

Uganda

228. By a letter dated 7 May 2002, the Special Rapporteur sent an urgent appeal together with the Special Rapporteur on the question of torture and the Chairman-Rapporteur of the Working Group on Arbitrary Detention regarding **Susan Nabukenya** and **Margie Kyeyune**, who are said to be detained in Kampala Central police station on the grounds of their alleged sexual orientation. A broadsheet newspaper, *Red Pepper*, is said to have reported that on 25 April 2002, the two women had arranged a private "engagement" ceremony presided over by a pastor. The women are said to have been arrested on 1 May, reportedly under paragraph 140 of the Penal Code, which stipulates that "Any person who has carnal knowledge of any person against the order of nature" is subject to 14 years' imprisonment. They are said to have been released on 3 May 2002, but were reportedly re-arrested a couple of hours later. Fears have been expressed that the two women may be subjected to torture or other forms of ill-treatment, especially of a sexual nature.

United Arab Emirates

229. By a letter dated 1 May 2002, the Special Rapporteur sent an urgent appeal in conjunction with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture regarding **Sabrina Imtiaz Syed**, aged 25, who was facing imminent and forcible repatriation to Pakistan where she may be at risk of torture or honour killing. According to the information received, Sabrina Imtiaz Syed was born and raised with her family in Dubai. In January 2000 her father, a Shi'a Muslim cleric, refused her request for permission to marry Ashfaq Muhammad, a Pakistani national and Sunni Muslim. It is reported that the couple flew to Pakistan where they secretly married in September 2000. They reportedly returned to Dubai, and lived with their respective parents until February 2002 when they allegedly told Ms. Syed's parents that they were already married. Her parents and two other people reportedly severely beat the couple, but no action is said to have been taken by the police, despite a report allegedly filed by Ashfaq Muhammad. The couple first flew to Pakistan, but because Ms. Syed reportedly received death threats from Pakistani relatives, they went to Germany on 20 March 2002. It is alleged that Sabrina's parents asked her to return to Dubai, saying that they were ready to accept her marriage. However, upon her return, 18 April 2002, she was reportedly arrested at the airport and taken to an "immigration jail". Her father allegedly visited her and told her that he had asked the authorities to revoke her visa and send her back to Pakistan, where his relatives would kill her for "dishonouring" the family. Her family in Pakistan has reportedly confirmed that they will kill her for marrying against her father's wishes.

230. By a letter dated 2 August 2002, the Government responded regarding the case of **Sabrina Imtiaz Syed**. It informed the Special Rapporteur that, according to State authorities, she arrived in the country on 19 April 2002, and that a thorough inquiry into her case was conducted. According to the Government, she is a Pakistani citizen and her legal guardian had filed a report against her, claiming that she had eloped. It is reported that she was then referred to the Dubai Nationality and Immigration Service for an investigation of the matter. The Government stated that she does not appear to have been held under arrest by the Nationality and Immigration Service, and that she left for Pakistan with her family on 12 May 2002.

Uzbekistan

231. On 7 January 2002, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteurs on freedom of opinion and expression and on the question of torture and the Chairman-Rapporteur of the Working Group on arbitrary detention on behalf of **more than 20 women** who, on 26 December 2001, were protesting against the alleged ill-treatment of their relatives said to have been convicted for their participation in "Hizb ut-Tahrir" party, in Tashkent. After two hours of demonstrating, members of the militia are said to have forced the women into a bus and took them to an unknown destination. It was believed that they were taken to the Shaihantahur regional Department of Internal Affairs of Tashkent.

Venezuela

232. El 11 de septiembre de 2002, la Relatora Especial transmitió una comunicación conjunta con el Relator Especial sobre la cuestión de la tortura en la que se comunicó al Gobierno que los Relatores recibieron la siguiente información.

233. **José Luis Urbano** habría sido golpeado y amenazado por fuerzas policiales del Estado Anzoátegui poco después de que su hermano tuvo un accidente de tráfico en el que estaría involucrado un agente de dicho cuerpo policial. Seguidamente habría interpuesto una denuncia sobre estos hechos. El 8 de febrero de 2000 su esposa habría recibido una llamada telefónica de una mujer que le habría dicho que recibirían una sorpresa por haber denunciado el incidente y la habría amenazado con matar a su madre en el caso de que interpusiera otra denuncia. Otro familiar habría recibido otra llamada telefónica según la cual las dos hermanas menores de José Luis Urbano, **Luz Damaris** y **Luz Noemí Guaicara**, se hallarían en un sector montañoso denominado Los Potocos, a 20 km de la ciudad de Barcelona. Poco después José Luis Urbano habría encontrado a sus hermanas llorando y desangrándose en dicho lugar. Las dos menores habrían sido violadas y su vagina y vejiga habrían sido heridas con unas cuchillas de afeitar. Habrían sido inmediatamente trasladadas al hospital más cercano. Según la información recibida, los implicados en este caso habrían sido los mismos agentes que habrían amenazado a José Luis Urbano.

Yemen

234. On 20 December 2002, the Special Rapporteur sent an urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the question of torture on behalf of **Layla Radman 'A'esh** and **Naji Hizam 'Abdullah**. Both women were reportedly convicted of adultery by the Court of First Instance in Aden. Layla Radman 'A'esh was reportedly sentenced to death by stoning and Naji Hizam 'Abdullah to 100 lashes. Although Layla Radman 'A'esh and Naji Hizam 'Abdullah had appealed against the ruling, the Appeal Court in Aden reportedly upheld their sentences on 22 September 2001. Layla Radman 'A'esh's case is reportedly pending before the Supreme Court for a final appeal. Fears have been expressed that the above-mentioned persons may be at risk of torture or other cruel and inhuman treatment.

Palestinian Authority

235. By a letter dated 19 September 2002, sent jointly with the Special Rapporteur on the question of torture, the Special Rapporteur advised the Government that she had received information on the following case. **Yusra al-Ramlawi**, aged 29, from Khan Yunis in the Gaza Strip, who was reportedly arrested in June 2001 by the General Intelligence Service (GIS or Mukhabarat). According to the information received, she was two months pregnant at the time of her arrest. Although she informed her interrogators, she was reportedly beaten so severely that she allegedly had a miscarriage. Some days later she was reportedly threatened with rape by an interrogator. It is alleged that despite a complaint to other officers, the same interrogator was back at work three days later. Yusra al-Ramlawi was reportedly subjected to the above treatment to force her to give false evidence that would implicate another person as a collaborator. The Special Rapporteurs have been informed that she was transferred to the GIS section of al-Saraya prison in Gaza Strip at the end of June 2001. She is believed to have been beaten there as well. It is alleged that she was not accused of being a collaborator herself but that she nevertheless remained in detention without charge or trial at least up to September 2001.

Appendix

Confidential violence against women information form

INFORMER: *name and address of person/organization submitting the information, will remain confidential. Please also mention whether we can contact you for additional information and if so by what means.*

Name of person/organization: ______________________________

____

Address: ______________________________

Fax/Tel/E-mail: ______________________________

VICTIM(S): *information about the victim(s) including full name, age, sex, residence, professional and/or other activities related to the alleged violation, and any other information helpful in identifying a person (such as passport or identity card number). Please mention whether the victim is willing for their case to be transmitted to the Government concerned.*

Name: ______________________________

Address: ______________________________

Date of birth: ______________________________

Nationality: ______________________________

Sex: ______________________________

Occupation: ______________________________

Ethnic background, religious, social group (if relevant): ______________________________

THE INCIDENT: *including dates, place, and the harm suffered or to be prevented. If your submission concerns a law or policy rather than a specific incident, summarize the law or policy and the effects of its implementation on women's human rights.*

Include information about the alleged perpetrators: their names (if known), any relationship they may have to the victims and/or to the Government, and an explanation of the reasons why you believe they are the perpetrators. If you submit information about violations committed by private individuals or groups (rather than government officials) include any information, which might indicate that the Government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations.

Include information about the steps taken by the victims or their families to obtain remedies including complaints filed with the police, other officials, or independent national human rights institutions. If no complaints have been filed, explain why not.

Include information about steps taken by officials to investigate the alleged violation (or threatened violation) and to prevent similar acts in the future. If a complaint has been filed, include information about the action taken by the authorities, the status of the investigation at the time the communication is submitted, and/or how the results of the investigation are inadequate.

Date: ________ Time: ________ Location/country: ______________________________

Number of assailants: _______ Are the assailant(s) known to the victim? ____________________

Name of assailant(s): ____

Does the victim have a relationship with the assailant(s), if so what is the nature of the relationship?

____

Description of the assailant(s) (include any identifiable features):

____

____

DESCRIPTION OF THE INCIDENT:

____

____

____

____

Does the victim believe she was specifically targeted because of gender? ____________________
If yes, why? ____

Has the incident been reported to the relevant State authorities? _______If so, which authorities and when?

____

____

Have the authorities taken any action after the incident? ____________If so, which authorities?

____

What action?

____

____

When? ____

WITNESSES: Were there any witnesses? _______________
Name/age/relationship/contact address:

____

____

Please bring to the attention of the Special Rapporteur any information which becomes available after you have submitted this form. For example, please inform the Special Rapporteur if your human rights concern has been adequately addressed, or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

PLEASE RETURN TO
THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN
OHCHR-UNOG, 1211 GENEVA 10, SWITZERLAND
(Fax: 00 41 22 917 9006, E-mail: csaunders@ohchr.org)

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